

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UGOCHUKWO GOODLUCK NWAUZOR,
et al.,

Plaintiffs,

v.

THE GEO GROUP, INC.,

Defendant.

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

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)
)
)
) 3:17-cv-05769-RJB
) 3:17-cv-05806-RJB
)
) Tacoma, Washington

) June 2, 2021

) Jury Trial

) 9:00 a.m.

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE ROBERT J. BRYAN
UNITED STATES DISTRICT JUDGE

Proceedings stenographically reported and transcribed
With computer-aided technology

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MORNING SESSION

JUNE 2, 2021

(The following occurred outside the presence of the jury.)

THE CLERK: Good morning, counsel. Sorry for the delay. We had some juror issues. I have attempted to allow all the attorneys in. There are still some joining. Do you see anybody that is missing that needs to be here for just the attorneys?

THE COURT: I don't have Ms. Mell.

THE CLERK: Defense is in the process. Ms. Scheffey is also in the process of joining.

THE COURT: There she is.

THE CLERK: We are good to go.

THE COURT: Good morning, counsel. We have got all the jurors waiting in the breakout room for us. I have a couple of things I wanted to deal with this morning. First, I wondered who is presenting opening statement for -- the State goes first.

MS. CHIEN: I will be, Your Honor.

THE COURT: All right, Ms. Chien.

Mr. Whitehead?

MR. WHITEHEAD: Good morning, Your Honor, yes.

THE COURT: All right. For the defense, Ms. Scheffey or Mr. Silverman? Who is going to make opening statement for the defense?

1 MS. MELL: Mr. Silverman.

2 THE COURT: Okay. I just need to know who to call
3 on.

4 The other thing is we didn't make a very complete record
5 on the so-called Batson challenge yesterday. I wanted to
6 complete that record. Mr. Whitehead raised the question of
7 discrimination in the challenge made by the defense against
8 Ms. Membreno. That was based on her race. She was
9 obviously -- and also from her testimony -- Mexican
10 background and was darker skinned than other jurors and
11 obviously was a -- her appearance, I guess, supported the
12 testimony that she was not only Mexican, but also an
13 immigrant. So I felt that he had appropriately raised the
14 question, and I heard the response from Ms. Mell about that
15 and determined, on the basis of the record and the totality
16 of the circumstances, that we had a case of purposeful
17 discrimination. I was not persuaded by the justification
18 offered by Ms. Mell, based on the testimony given by all the
19 other jurors that led me to the conclusion that the reason
20 given for the strike was not persuasive, and that under, as I
21 say, the totality of the circumstances that the strike was
22 motivated by Ms. Membreno's race rather than a
23 non-discriminatory reason. So that's the record I wanted to
24 supplement. That's that.

25 We'll go to opening statements. Ms. Chien, I guess you

1 are ready to go first; is that right?

2 MS. CHIEN: Yes, Your Honor.

3 THE COURT: Ms. Mell?

4 MS. MELL: I want to take exception to the Court's
5 characterization of my motives for attempting to strike --

6 THE COURT: Ms. Mell, you don't have to take
7 exception to everything -- any time I rule contrary to you.
8 That's a done deal, right or wrong. I think it was right.
9 The circuit will certainly tell me if it was wrong.

10 MS. MELL: There was no intentional discrimination on
11 my part. That's what I take issue with. I don't like being
12 called racist on the record. It wasn't racially motivated.
13 I would like the record to reflect that.

14 THE COURT: All right. You can bring the jury in,
15 and we'll go to opening statement.

16 (The following occurred in the presence of the jury.)

17 THE CLERK: Good morning, jurors. I want to make
18 sure that all of you have your cameras on.

19 We are ready to go.

20 MS. CHIEN: Can I double-check that we have the
21 ability to screen share with Mr. Campbell?

22 THE CLERK: You can screen share.

23 THE COURT: Ladies and gentlemen, as I indicated
24 yesterday, we will start the trial this morning with opening
25 statements from counsel.

1 First, please give your attention to Ms. Chien for the
2 State of Washington, plaintiff.

3 Ms. Chien.

4 MS. CHIEN: Thank you.

5 The GEO Group is a private, for-profit company from
6 Boca Raton, Florida, that chooses to do business in
7 Washington. Like every company, GEO relies on people to run
8 its business. GEO decides the job duties, sets the workers'
9 shifts, trains workers, supervises them, manages payroll and
10 supplies the uniform and equipment necessary to perform the
11 work. But unlike every other business, GEO pays most of its
12 workers \$1 per day for their labor, and that's why you are
13 here today.

14 GEO will say that they do not need to pay minimum wage,
15 that its product and the people that perform the work somehow
16 make GEO above the law.

17 GEO is not special. GEO is not a form of government. GEO
18 is not a government agency. Regardless of the product it
19 sells, GEO is a money-making business and turns a profit for
20 its operations in Washington.

21 Like every company, GEO must pay its workers the minimum
22 wage.

23 As you will hear, GEO's product is something it calls
24 detention management services. In Washington, GEO sells
25 these services to a single customer, the United States

1 Immigration and Customs Enforcement. I will refer to it as
2 ICE throughout this trial.

3 ICE detains people, not because they have been convicted
4 of a crime but while people await a review of their
5 immigration status. After an immigration official reviews
6 their status, many of the people detained will be released to
7 return to their families in the United States.

8 ICE detains some of these people in its own federal
9 facilities, but sometimes ICE contracts with companies like
10 GEO for its services.

11 In Washington, GEO provides ICE these services at its
12 facility in Tacoma. Ever since it opened in 2005, GEO has
13 operated its Tacoma facility at a profit. For years, the
14 facility was known as the Northwest Detention Center. After
15 the State filed this lawsuit, however, GEO changed the name
16 of the facility to the Northwest ICE Processing Center.

17 Regardless of the reason why GEO changed the name to
18 include "ICE," the Tacoma facility remains GEO-owned and
19 GEO-operated, and detainee labor is integral to GEO's
20 business.

21 GEO relies on a voluntary work program in which the people
22 detained complete the work of GEO's own contract. While ICE
23 requires GEO to create a detainee work program, ICE leaves it
24 up to GEO as to how to set up the program and run it. Almost
25 all details and daily management of the program are

1 completely left up to GEO. In other words, what jobs to
2 assign, how workers will be trained, how the work is
3 supervised, how the work is scheduled, how many detainee
4 workers are needed, what equipment is needed to do the work,
5 what uniforms to wear, and how much detainee workers will be
6 paid are GEO's choices to make.

7 Although, again, after the State filed this lawsuit, GEO
8 changed the name of the work program to the Voluntary
9 Facility Activities Program. The facility activity is still
10 work.

11 You will hear from GEO's Assistant Warden Bill McHatton
12 who worked for GEO when the Center first opened in Tacoma.
13 He will tell that you back then, he, along with other GEO
14 staff, drafted job descriptions for each job assignment, set
15 the work schedule, and tasked GEO staff with training
16 detainee workers and supervising their work.

17 You will also hear from Alisha Singleton, the GEO officer
18 who managed the work program on a day-to-day basis for nearly
19 15 years. Ms. Singleton will tell you that she managed the
20 schedules, work rosters and other forms used to track when
21 and where detainees worked. She will tell you she fielded
22 detainees' requests to work, as well as GEO's officers'
23 requests for more detainee workers. She confirmed all the
24 paperwork to work. Until it was transferred to a separate
25 department, she also did the payroll for detainee workers.

1 Although GEO may argue that the detainee workers were
2 simply doing personal chores, I will ask you to consider the
3 evidence carefully. The jobs are much more than personal
4 chores. The detainee workers' jobs are to support the core
5 services GEO agrees to provide in its own ICE contract; that
6 it will prepare thousands of meals each day; that it will run
7 a laundry facility big enough to wash linens for more than
8 1500 detainees at any time; and that it will ensure the
9 Center is clean and meets all sanitation requirements.

10 You will hear testimony that detainee workers clean, mop
11 and buff virtually every area of the center from the hallway
12 known as the Grey Mile, to the kitchen, to the laundry
13 facility, to the living areas, to the law library and
14 barbershop, to visitation, to medical, to intake.

15 You will hear from GEO's food service manager,
16 Bertha Henderson, as well as other current and former GEO
17 officers that worked in the kitchen, Edwin de la Cruz and
18 John Patrick Griffin. All of them will tell you that they
19 trained and supervised detainee workers in the kitchen. The
20 detainee workers unloaded food shipments, cut vegetables,
21 operated braisers and ovens, set up the serving lines,
22 distributed food on the serving lines, served the food,
23 washed dishes and cleaned the kitchen every night.

24 You will hear from three GEO officers, Iolani Menza,
25 David Tracy and Marc Johnson. They will tell you that they

1 supervised detainee workers when they cleaned throughout the
2 facility. The detainee workers are the barbers at the
3 barbershop and provide thousands of haircuts every year.

4 Menza and Tracy will tell you they get paid almost \$30 per
5 hour to work right next to detainee workers doing the same
6 thing, loading and unloading washers and dryers, putting
7 together bedrolls, folding and stacking laundry from
8 industrial-sized bins everyday. They will also tell you that
9 the people detained, "make an important contribution to the
10 center."

11 GEO's creation of a work program alone is not the reason
12 why you are here today. The fact that GEO relies on detainee
13 workers to run its business is not the problem. The reason
14 you are here today is because GEO does not pay its workers
15 the minimum wage, let alone a competitive wage. Far from it.
16 GEO pays its workers a single dollar per day -- not per hour,
17 per day -- for their labor. GEO's practice of paying
18 detainee workers a dollar a day is the core of what this case
19 is about.

20 So who am I? My name is Marsha Chien. Along with my
21 colleagues Andrea Brenneke and Lane Polozola, we represent
22 the State of Washington, and we are here to enforce the law.

23 Washington first enacted its minimum wage in 1959.
24 Without it, businesses undercut each other, take unfair
25 advantage, and make it harder for workers to find jobs that

1 pay a living wage. GEO's decision to pay detainee workers a
2 dollar a day directly undercuts the purpose of our state law,
3 and it does so on an incredible scale.

4 GEO's own staff will testify that approximately 400
5 detainee workers work at the center every single day. Some
6 work for 30 minutes mopping showers and bathrooms. Over 100
7 others work in the kitchen, rotate between four different
8 shifts, lifting heavy pots, plating trays, preparing food and
9 cleaning equipment.

10 GEO may suggest at trial that detainee work is not a value
11 or a benefit to GEO, and that assignments are made-work
12 activities, simply to reduce idleness in detention.

13 GEO's own witnesses, financial documents and staffing
14 plans demonstrate the opposite: Detainee work is real work
15 and integral to GEO's business.

16 You will hear from GEO's financial executives, Chuck Hill
17 and Brian Evans, who will testify that GEO would likely have
18 to replace detainee labor with employees hired from the
19 Tacoma community. An expert economist, Peter Nickerson, will
20 confirm that all detainee worker assignments in the center
21 are similar to jobs found in the community.

22 You will also hear testimony that GEO has had to hire
23 temporary workers, reassign existing GEO staff to other areas
24 of the facility, and rely on kitchen staff to work overtime
25 when GEO was short on detainee workers. In fact, GEO hires

1 janitors from the community to do the exact same jobs the
2 detainee workers do but in the few areas in the Center where
3 detainee workers are not allowed to go. GEO pays these
4 janitors not a dollar per day, but \$15 per hour. More than
5 the minimum wage.

6 So GEO's practice of paying a dollar a day for all this
7 work impacts much more than detainee workers. It reduces the
8 number of jobs available in the Tacoma community. The work
9 assigned to people detained at the center are jobs that could
10 have been filled by people in the community just like GEO
11 officers.

12 You will hear testimony from a Work Source supervisor in
13 Tacoma. Work Source is an employment agency that provides
14 training and employment services to job seekers across
15 Washington. That supervisor will tell you that there are
16 people in Tacoma who seek jobs today cleaning, mopping,
17 preparing food and doing laundry. While they would not do
18 that for a dollar per day, they certainly would do so for
19 minimum wage.

20 So the basic facts about the work program are not really a
21 secret. There is really not that much disagreement about
22 them. GEO will attempt to distract you. First, GEO will say
23 the ICE contract specifically prohibits GEO from employing
24 detainee workers. But what GEO does and what the contract
25 says are two different things.

1 For example, the ICE contract says that GEO can't use
2 detainee workers to fulfill its contractual obligations, and
3 yet that is clearly what GEO has done.

4 You will hear that ICE reimburses GEO a dollar for every
5 detainee worker's day of work, but no one will testify that
6 the contract prevents GEO from paying the minimum wage. Not
7 even GEO.

8 In fact, you will see that the contract tells GEO in
9 multiple places to comply with state and local labor laws.
10 The detainee work program section of the contract
11 specifically states the detainee worker -- the detainee work
12 program must comply with all applicable laws and regulations.
13 ICE's Performance-Based National Detention Standards, which
14 you will hear referred to as the "PBNDs" or the "ICE
15 standard," says GEO must pay, quote, "at least a dollar per
16 day," allowing GEO to pay the minimum wage.

17 In fact, GEO has long known that GEO can pay people
18 detained at the center more than a dollar per day. You will
19 see a memo dated April 2012 where Alisha Singleton, the
20 person that managed the work program for nearly 15 years,
21 which she flagged for GEO's leadership, that GEO had the
22 option to pay more than a dollar per day, quote, "if we
23 like." Even ICE confirms it.

24 In August of 2014, ICE told GEO's Assistant Warden
25 McHatton, that quote, "There's a minimum compensation of a

1 dollar, however, there is no maximum."

2 Today, as part of this very lawsuit, GEO has admitted
3 that, quote, "GEO has the option to pay more than a dollar
4 per day to detainee workers." In fact, GEO has exercised
5 this option. GEO has paid detainee workers sometimes two
6 dollars per day, sometimes five dollars per day, when it was
7 short on detainee workers. Ms. Singleton will tell you that
8 once GEO had enough detainee workers, GEO would always return
9 to paying workers a dollar per day.

10 So don't let GEO's reference to the ICE contract or ICE
11 standards give you pause. Neither prevents GEO from paying
12 the minimum wage.

13 GEO's second distraction will be to say that detainee
14 workers do not qualify for minimum wage, either because of
15 their immigration status or because everything they need is
16 provided for, or because the work program is voluntary.

17 As you will hear from Chris Strawn, an immigration expert,
18 many of the detainees are lawful immigrants and eligible to
19 work in the United States just like and you me. Even if some
20 are not, then minimum wage applies to all workers, regardless
21 of their immigration status or work authorization. In fact,
22 it must. If companies were allowed to pay immigrants less,
23 employers would only hire those vulnerable worker, and there
24 would be a race to the bottom.

25 Although GEO will claim that detainees need not be paid

1 the minimum wage because GEO provides everything a detainee
2 could want, you will hear from detainee workers themselves.
3 They will tell you that they needed more money to call their
4 families, that they needed more money to supplement the
5 meager food that they were provided. One detainee worker
6 will tell you after months of working 30 hours per week in
7 the center's kitchen, he had only \$22 in his pocket when he
8 was released, not even enough for his bus ticket home when he
9 was released to the United States.

10 The fact that detainees sign a voluntary work program
11 agreement and agree to a dollar a day does not give GEO a
12 free pass. Although no one forces detainees to work any more
13 than anyone forces anyone to work at a restaurant, a store,
14 or an office, once they do work, they are entitled to lawful
15 pay. It makes sense that for-profit companies cannot rely on
16 volunteers. If a private company permits people to work,
17 whether Amazon or GEO, they must pay the minimum wage.

18 As a final distraction, GEO will point its finger at the
19 State, but context matters at trial. Soon I will finish and
20 GEO's counsel will give their opening statement. They will
21 say something like: The State doesn't pay the minimum wage
22 to the people it incarcerates, so what's good for the goose
23 is good for the gander.

24 Since I won't get a chance to speak with you again, I
25 would like to put that in context. Our state law exempts

1 governments from paying its inmates or detainees the minimum
2 wage because governments are different from GEO. As
3 employees in Washington Department of Corrections will
4 testify, the reason DOC imprisons inmates is because they
5 were found guilty of committing a crime.

6 As employees of Washington's Department of Social and
7 Health Services will testify, state-run mental health
8 hospitals and commitment centers protect the mentally ill
9 themselves. So DOC inmates and DSHS civil detainees
10 participate in work programs because it is either part of
11 their criminal sentence, or part of an individualized
12 rehabilitation plan. State agencies are not in the business
13 of detention for profit.

14 In contrast, none of the people detained at the center are
15 serving a criminal sentence. No one is participating in the
16 work program as part of a mental health treatment plan or
17 rehabilitation plan. According to GEO's own policy, the work
18 program is meant to gainfully employ detainees while
19 contributing to the orderly operation of the facility.
20 That's it.

21 Knowing that a private contractor is different from a
22 government agency, GEO will attempt to confuse you. GEO will
23 argue that the State's exemption unfairly discriminates
24 against GEO because it is a federal contractor. In other
25 words, that the State's minimum wage law applies to federal

1 contractors but not state contractors.

2 I suspect GEO will point to its own contract with the
3 State which was signed in case DOC's prisons were over
4 capacity, but it was never used. So allow me to put that
5 contract in contrast. GEO's contract with the Department of
6 Corrections is no different from the ICE contract. Just like
7 the ICE contract, the DOC contract, one, requires GEO to
8 comply with all state laws; two, sets a floor that GEO must
9 pay those incarcerated; and three, allows GEO to pay more
10 than that floor. So just like the ICE contract, the State
11 contract nowhere prevents GEO from paying the minimum wage.

12 In sum, the State's minimum wage law does not apply
13 because GEO is a federal contractor. The State's minimum
14 wage law applies because GEO is a private corporation.
15 Period.

16 So this case is not about Washington's prisons or mental
17 health systems. This case is about GEO, a private,
18 money-making business.

19 GEO did not become the federal government when it
20 contracted with ICE. GEO has a CEO, a CFO and is accountable
21 not to the public, but to its shareholders. GEO is a private
22 company that chooses to do business in Washington. As long
23 as it chooses to do business in Washington, our State law
24 requires that GEO pay its workers the minimum wage.

25 So after you have heard all of the evidence, the core

1 question before you will actually be simple and
2 straightforward: Does GEO use the people detained at the
3 center to do the work necessary to run its business? We
4 believe it clearly does.

5 At the close of this case, we will ask you to require GEO
6 to pay the minimum wage for labor performed on its behalf,
7 whether the labor was completed by the people detained or
8 workers from the Tacoma area.

9 Thank you.

10 THE COURT: Thank you, Ms. Chien.

11 Mr. Whitehead is next for Mr. Nwauzor and
12 Mr. Aguire-Urbina and the class, so please give your
13 attention now to Mr. Whitehead.

14 MR. WHITEHEAD: Washington has a long and proud
15 history of protecting workers. In fact, it was among the
16 first states in the nation to pass a minimum wage law.
17 Reasonable minds can differ about what the minimum wage
18 should be, but without minimum wage laws, employers can take
19 advantage of desperate workers and push wages down for entire
20 communities. Not only that, but employers who pay less than
21 the minimum wage hold an unfair business advantage. If an
22 employer pays its employees less than the minimum wage, the
23 law requires the employer to make it right.

24 My name is Jamal Whitehead, and along with my colleague,
25 Adam Berger, we represent the plaintiffs in this matter,

1 Ugochukwu Goodluck Nwauzor and Fernando Aguire-Urbina.

2 Mr. Nwauzor is what's known as a class representative,
3 which means he's brought this case not just for himself, but
4 on behalf of all the other people that took part in the
5 worker program at the detention center.

6 Ms. Chien has told you a lot of the story in this case.
7 Let me take you back to 2005. GEO buys what was then called
8 the Northwest Detention Center on the Tacoma Tideflats. GEO
9 contracts with U.S. Immigration and Customs Enforcement,
10 better known as ICE, to provide detention management services
11 at the center.

12 The contract goes like this: GEO agrees to house and feed
13 and clean up after 1500 men and women in a secure facility in
14 return for money. GEO agrees to follow all the applicable
15 federal, state and local labor laws. GEO agrees to follow
16 the highest standard if there is ever a conflict between
17 these laws.

18 GEO hires workers in the community to carry out management
19 and security functions, but GEO relies on the people detained
20 inside the center to prepare, cook and serve food,
21 essentially run the laundry service and barbershop, and
22 perform almost all janitorial duties.

23 GEO provides the training, the tools and the supplies the
24 detainee workers need to perform their various jobs. GEO
25 supervises the detainee workers as they work, and GEO fires

1 the detainee workers when they do a poor job. GEO pays the
2 detainee workers one dollar a day for their labor.

3 Let me tell you why we are suing GEO. We are suing GEO
4 because it used the detainee workers like employees, but
5 violated the rule that says employers in Washington must pay
6 their employees at least the minimum wage.

7 We all have experiences as employees, some of us as
8 employers, maybe it is the absence of a job that is most
9 meaningful in your life. So your common sense tells you what
10 it means to be an employee, but to do your part in this case,
11 you are going to learn about the work done inside a detention
12 center, which is likely an unfamiliar setting to you. By the
13 time this case is over, though, you'll know more about the
14 work done inside the detention center than anyone in the
15 Puget Sound.

16 What you will learn during the course of this trial is
17 that even though the work setting may be different, there is
18 certain basic things to look for to answer the central
19 question in this case: Whether GEO employs the detainee
20 workers to do the work necessary to run its business.

21 We will show you real images from inside the facility.
22 You will hear testimony from GEO's current and former
23 administrators, managers and officers about GEO's near
24 absolute control over the worker program. Really, there is
25 no genuine dispute on these points. GEO creates the job

1 descriptions for the detainee workers. GEO evaluates whether
2 a detainee worker is suitable for a given job. GEO approves
3 shift locations, schedules and length. GEO trains detainee
4 workers. GEO provides all the tools and equipment necessary
5 for the job. GEO manages and directs the work. GEO judges
6 whether the work has been done right. GEO signs off on the
7 completion of the work. GEO removes or terminates bad
8 workers. GEO handles all aspects of payroll. Working for
9 GEO is the only option detainee workers have while in
10 detention.

11 What you will learn is GEO relies on the detainee workers
12 to maintain the facility. No, I am not talking about the
13 actual business of detention, like making sure the doors are
14 locked. Just everything else. You will hear from a number
15 of witnesses who will tell you that the detainee workers make
16 an important contribution to the facility, and how using the
17 detainee labor is a key part of GEO's business plan. You
18 will hear testimony about how every day hundreds of workers
19 cook, clean, do laundry and cut hair at the facility, and how
20 GEO really doesn't have anyone else to carry out these
21 functions.

22 For example, GEO employs two, sometimes three, janitors to
23 clean the parts of the facility that the detainee workers
24 can't access like the administrative offices and the building
25 lobby. But the living pods, kitchen, laundry room, the

1 recreational areas, the barbershop, hallways, those are all
2 cleaned exclusively by detainee workers.

3 Take the kitchen as another example. You will hear how
4 GEO produces as many as 45,000 meals each week, but how there
5 are only 13 GEO staffers in the kitchen. Of those, three are
6 managers who perform administrative functions, the others,
7 the kitchen officers, only two work at a time on each kitchen
8 shift.

9 How is GEO able to prepare so much food with only two
10 kitchen officers on each shift? Well, you will hear the
11 answer, and how it involves 20-plus detainee workers on each
12 shift who actually prepare and serve those 45,000 meals.

13 It is the same story in the laundry room. GEO has one
14 laundry officer working a laundry shift in a facility that
15 can hold over 1500 people. Who washes and folds the sheets,
16 blankets, towels and clothing? The detainee workers, that's
17 who.

18 Same story in the barbershop. GEO employs zero barbers.
19 Who cuts hair at the center? You guessed it, the detainee
20 workers.

21 You will hear how if the detainee labor were removed from
22 the equation, GEO would need to authorize overtime for its
23 existing personnel, bring in outside workers, hire
24 third-party vendors, or all of the above. GEO has done its
25 own analysis and knows precisely how many -- emphasis on the

1 word "many" -- full-time employees it would need from the
2 community to replace the detainee workers.

3 That's why we are here. GEO has used the detainee workers
4 like employees, and rather than paying them fairly and
5 consistent with the law, GEO pays them just one dollar a day.

6 Coming to trial was no easy decision. Before we decided
7 to come before you, the jury, we had to determine a few
8 things for ourselves. For starters, we had to determine
9 whether the work performed by the detainee workers was just
10 simple housekeeping or chores like you do around your house.
11 Because if it was, it would be silly to bring this kind of
12 lawsuit.

13 We looked at the job descriptions for the detainee
14 workers, and yes, there are job descriptions. We saw the
15 work performed was for the benefit of the facility and GEO.
16 Not just a matter of making their own beds.

17 You will hear from several of the workers, and they will
18 tell you about how they cleaned the showers for their entire
19 living unit, or how they served food and cleaned up after
20 their entire living pod. That's how we determined that the
21 work in question was more than just house chores.

22 Next, since no one is forced to work, we had to determine
23 whether the detainee workers were more like volunteers
24 donating their labor. Because if the workers were volunteers
25 that might explain why GEO didn't pay them like employees.

1 So we asked detainee workers why they worked, and many told
2 us that they needed the money to call loved ones from GEO's
3 pay phones, or to help pay for lawyers in their immigration
4 cases, or just to buy comfort items from the commissary.

5 We also learned, and GEO will agree, that only non-profit
6 organizations can have unpaid volunteers under state law.
7 GEO is very much a for-profit business. The Judge will
8 instruct you on the law of the case. All agree that GEO must
9 follow the law, and that any agreements between GEO and the
10 detainee workers who worked less than the minimum wage, it is
11 no defense in this case. In other words, GEO can't contract
12 its way around state laws. So that is how we determined that
13 the detainee workers weren't merely volunteers.

14 We also had to determine whether detainee workers were
15 even eligible to be employees, given their uncertain
16 immigration status.

17 So we asked our expert, UW Professor Christopher Strawn,
18 whether detained persons may be work authorized. He will
19 tell that you many detainees are authorized to work as
20 lawful, permanent residents, while others are eligible to
21 apply for employment authorization.

22 We also learned it is no defense to say that the minimum
23 wage does not apply because the workers lacked work
24 authorization. Otherwise, there would be an incentive,
25 frankly, for shady employers to hire workers without work

1 authorization because they could stiff the workers without
2 consequence when it came time to pay.

3 Along those same lines, we had to determine whether the
4 people being held were there as criminal punishment. Because
5 if they were, perhaps a different set of rules apply. We
6 asked all of the GEO witnesses before trial whether any
7 aspect of detention is punishment, and everyone agrees, and
8 the Judge will instruct you, that the detention center is not
9 a prison. The people held there are not being held as
10 punishment. They are being held while the government sorts
11 out their immigration status.

12 We also had to determine whether GEO's contract with ICE
13 prevented GEO from paying the detainee workers the minimum
14 wage. Because if ICE was in control, it might explain some
15 of GEO's actions. So we looked closely at the wording on
16 GEO's contract with ICE, and we found a few things.

17 To start, GEO's contract with ICE says GEO must follow all
18 applicable federal, state and local laws, including
19 employment laws. The contract says that if there is any
20 question that comes up about which law to follow, GEO must
21 follow the strictest standard. And along those lines, you
22 will hear how GEO follows employment discrimination laws and
23 workplace safety laws, like OSHA in the worker program.

24 Next, the contract requires GEO to pay at least one dollar
25 a day to detainee workers. We found internal emails from GEO

1 and ICE about the meaning of that phrase "at least". They
2 show that one dollar per day was the minimum amount, but
3 nothing prevented GEO from paying more to comply with state
4 laws. We also talked to GEO personnel that will testify that
5 GEO does, in fact, pay some detainees more than a dollar a
6 day when it needs to attract more workers.

7 Finally, we asked GEO written questions in the run up to
8 trial, and it admitted that it can, in fact, pay more. So
9 that's how we determined that GEO's contract with ICE doesn't
10 prevent it from paying the detainee workers more.

11 You'll be able to determine whether bringing a private
12 lawsuit against GEO would duplicate the efforts of the State
13 in its law enforcement action. Because if the State was
14 already looking into the matter, then it wouldn't be
15 necessary to bring a private lawsuit, too.

16 What we learned is that Ms. Chien and her colleagues at
17 the Attorney General's Office represent the people of
18 Washington. The relief they seek is looking into the future.
19 There was no one to represent only the interest of the
20 detainee workers, the people who did the work and didn't get
21 paid. The relief we seek for them is for the work that they
22 performed in the past. That's how we determined that a
23 private lawsuit would not duplicate the efforts of the State.

24 Since the State of Washington is also suing GEO, we had to
25 determine whether the State is operating any similar programs

1 for inmates or detainees and paying them less than the
2 minimum wage. It wouldn't be right for the State to be
3 hypocritical on this issue.

4 What we learned is the minimum wage laws exempt government
5 actors from paying inmates who are detainees the minimum
6 wage, but not private companies like GEO.

7 We didn't stop there, though. We looked even further to
8 see if the State of Washington contracted with any private
9 companies to house inmates or detainees, like ICE does with
10 GEO. We determined that the State doesn't do business with
11 any private detention companies in Washington. That is how
12 we determined that the State wasn't being hypocritical.

13 Now, you will receive a verdict form at the end of this
14 case asking whether GEO employed the detainee workers. But I
15 want to take my final minutes with you and let you know this
16 case is about real people.

17 One of the people you will hear from is the class
18 representative I told you about earlier. His name is
19 Ugochukwu Goodluck Nwauzor. He goes by Goodluck, and,
20 frankly, with a name like that, who wouldn't. Goodluck was
21 born in Nigeria, and Igbo is his first language. He grew up
22 with his parents and his brothers in a Christian community.
23 He moved away from home to start a business in Chibok County,
24 Nigeria.

25 If you have heard about Chibok County, it's likely because

1 you remember the news story about -- you heard about the
2 terrorist group Boko Haram kidnapping and marrying off 300
3 schoolgirls.

4 Goodluck got into an argument with a Boko Haram member
5 about the atrocities they were committing. Boko Haram
6 destroyed his store where he also lived and threatened to
7 kill Goodluck and his family.

8 Goodluck couldn't stay in Nigeria, so he left. He
9 traveled by boat, by car, by foot to the United States
10 seeking protection. He will tell you that he did not sneak
11 into America. He presented himself at a security checkpoint
12 seeking asylum.

13 While his application was pending, he spent months at the
14 Northwest Detention Center. He cleaned the shower stalls in
15 his living unit every afternoon after dozens of men used it.
16 GEO trained him to do the job and supervised his work.
17 Goodluck was a good worker, but he saw GEO personnel fire
18 others who weren't. He was paid one dollar a day for his
19 labor, which he used to help his asylum case and call his
20 family.

21 He was granted asylum and released from the detention
22 center. He worked for a hotel in Pioneer Square until
23 recently where he was laid off because of COVID. Before he
24 was laid off, he was recognized as employee of the month at
25 the hotel.

1 He's had a hard life. He doesn't look for pity. He will
2 tell you that employees work for money and have bosses, and
3 that GEO treated him like an employee while he was detained.

4 From beginning to end, everything we show you in trial is
5 for you to see that GEO used the detainee workers like
6 employees to maintain its facility. GEO paid them just one
7 dollar a day to maintain its profit margin.

8 This is an important case. Not because you are being
9 asked to make sweeping judgments about our country's
10 immigration policies or weigh in on a culture war. It is
11 important because you are being asked to pass judgment on
12 corporate conduct that takes advantage of desperate people,
13 to pass judgment on corporate conduct that pushes down wages
14 for entire communities, to pass judgment on corporate conduct
15 that is premised on an unfair business advantage.

16 If an employer pays its employees less than the minimum
17 wage, the law requires the employer to make it right. We are
18 asking you to hold GEO accountable for its choices. We are
19 asking you to make this right.

20 Thank you.

21 THE COURT: Thank you, Mr. Whitehead.

22 Now, please give your attention to Mr. Silverman for the
23 defendant.

24 MR. SILVERMAN: Good morning, ladies and gentlemen of
25 the jury. My name is Larry Silverman. It is my pleasure to

1 represent the GEO Group in this lawsuit. With me is
2 co-counsel Joan Mell, who you met during jury selection, as
3 well as Adrienne Scheffey, my other co-counsel, who is waving
4 on the screen as we speak. We are going to represent the GEO
5 Group here during these proceedings. In addition, our
6 corporate representative, Bruce Scott, who is the facility
7 administrator for the Northwest ICE Processing Center.

8 There is a radio show that used to be on when people
9 listened to the radio shows, it was The Paul Harvey Show. It
10 was called, "The rest of the story." Here is the rest of
11 story.

12 Let's start with the fact that you heard during opening
13 statements that, quote, "GEO doesn't have anyone else to do
14 these jobs, to do these tasks." Remember hearing that? GEO
15 has, depending on how many detainees it has, either 320
16 available employees or 374 available employees to do whatever
17 needs to be done. Most of them are -- in sports you call
18 them utility players. They are not specified for a specific
19 task. GEO has to keep the railroads running on time, and it
20 has plenty of folks to do it.

21 You will hear in a few minutes GEO can't count on any
22 volunteers because they don't have to have skills, they don't
23 have to have a background, and they don't actually have to
24 show up for their volunteer positions. We will talk about
25 that in a few minutes.

1 Let's talk about the rest of the other side of the story.
2 You heard counsel talk about all the investigating they did,
3 and they found this and they found that. Well, the State of
4 Washington has been doing the exact same thing that GEO does
5 in its own facilities for many years, and the State of
6 Washington knew that GEO was doing what it was doing for many
7 years.

8 You will specifically hear that in the detention
9 facilities in the state of Washington, it has never treated
10 any of its detainees as employees, never paid them minimum
11 wage. They do the exact same things that they are
12 complaining about in this case.

13 What they are complaining about in this case is a
14 volunteer program set up in a detention facility that is
15 required by the federal government. The federal government
16 requires the facility, but it also requires the voluntary
17 work program to keep people busy, increase morale, decrease
18 boredom, help with security. You've heard the phrase about
19 what idle hands can do. Use your own version of that. The
20 point is, it is a mandatory volunteer program because it is a
21 secured facility and people need something to do.

22 So GEO creates volunteer tasks and makes them available
23 for the detainees to volunteer. Most of those tasks take 20
24 minutes or less to complete. They are the kind of tasks that
25 in any other context you would refer to as chores. Things

1 like wiping down the tables, things like pulling up the
2 garbage bags and putting them in a bin and taking them to
3 another place. As we sit here, that's my job at home, and I
4 am in trouble for not doing that. Folding laundry, the
5 laundry that they wear, things like that.

6 The volunteer program is set up in a way to maximize the
7 number of volunteer opportunities because the whole purpose
8 of the detention volunteer program is to give people a chance
9 if they want to volunteer. There is a waiting list for most
10 of these volunteer opportunities. So what one person could
11 do, GEO creates four volunteer opportunities. It's a little
12 bit like a kindergarten little league game where you know
13 everybody has to play. You are not maximizing your chances
14 of winning. You are maximizing your chances of
15 participation.

16 So what this case is about is the plaintiffs' attempt to
17 convert what is a volunteer program into employment. They
18 want to call it employment. But two things, first of which,
19 it is like no employment you have ever heard of. It is
20 employment where you don't have to have any skills, you don't
21 have to have any qualifications. It's first come, first
22 served, and if you decide not to show up for what you
23 volunteer for, you nonetheless can stay in the program.

24 That's what a volunteer does. But no one involved in any
25 way has an expectation that the detainees, when they

1 volunteer, change into employees. The federal government
2 doesn't have that understanding. GEO doesn't have that
3 understanding. It fully explains this program to the
4 detainees so they shouldn't have that understanding or
5 expectation. Most importantly, as you just heard, the State
6 of Washington doesn't have that expectation because it does
7 the exact same thing.

8 People who are detained in the facility are not detained
9 by GEO. They are detained by the federal government. The
10 federal government has decided what our immigration policy is
11 in the United States and which detainees are going to be held
12 in detention versus which ones go out on bail or other
13 aspects of the program. In addition, it is the federal
14 government who solely decides when and how long a detainee
15 will be in detention. It can range from 30 to 60 days, 90
16 days, depending on the year. It is the federal government
17 who decides the security status of any specific detainee
18 because one of the major components of getting into detention
19 is if someone is in the United States and commits a crime or
20 commits violence, those folks are segregated out in the
21 facility and classified separately.

22 GEO doesn't control any of that. What GEO does do is GEO
23 contracts with the federal government to run this facility on
24 behalf of the federal government.

25 So there is a 200-plus page contract that sets forth every

1 rule and expectation that the federal government has in this
2 program. Let me point to two specific provisions. You will
3 be hearing a lot of this. The first of which is how the
4 voluntary work program gets paid for. "Detainee volunteer
5 wages for the detainee work program: Reimbursement for this
6 line item will be at the actual cost of one dollar per day
7 per detainee. Contractor shall not exceed the amount shown
8 without prior approval by the contracting office."

9 Ultimately, it is ICE's dollar. GEO provides the
10 one-dollar stipend to a volunteer for volunteering, then GEO
11 gets reimbursed for that.

12 There is a second provision as well. Pull up Page 82.
13 The second provision specifically specifies how the detainee
14 work program is supposed to work. It states: "The detainee
15 work plan must be voluntary," and you will hear that it is.
16 "Detainees shall not be used to perform the responsibilities
17 or duties of an employee of the contract." So the
18 requirement and the expectation is that the detainees are
19 doing something different than what employees do. That's the
20 contract.

21 As you heard briefly referred to during opening, there is
22 a 400-plus page manual that ICE provides in order to
23 determine how a detention facility is run. It is known as
24 the Performance-Based National Detention Standards. This is
25 the 2011 edition. It was significantly revised during the

1 Obama administration, and those revisions have carried forth
2 ever since. You are going to see that the detention
3 standards as set forth in there are, quote, "An important
4 step in detention reform and serve to ensure that the care of
5 detainees is the most humane possible."

6 One of the ways that ICE has proposed -- and not just
7 proposed, requires, is that a voluntary work program be
8 instituted to keep people busy if they want to volunteer.
9 ICE is pretty clear as to what the purpose of the program is.
10 This is a detention facility. "The negative impact of
11 confinement shall be reduced through decreased idleness,
12 improved morale, and fewer disciplinary incidents." That's
13 what ICE wants to accomplish by having a volunteer program
14 available, and that is what the volunteer program in this
15 facility, in all these facilities, is intended to provide.

16 So we are going to talk a little about the program. How
17 is this conveyed to the detainees when they come to the
18 center? In fact, ICE prints standard brochures that are
19 provided to each detainee -- showing you English and Spanish,
20 but it's available in numerous languages -- that specifically
21 advise the detainee there is a volunteer opportunity
22 available and pays, in that case, at least one dollar a day.
23 But GEO also provides its own manual that each detainee
24 receives and signs for that sets forth the programs at the
25 specific facility here in the Northwest, as opposed to the

1 other manuals which talk about what are the programs at any
2 detention facility around the country. This manual, which is
3 received by each detainee and which is signed for by each
4 detainee, specifically advises the detainee that the payment,
5 the stipend, is one dollar per day, and it is voluntary.
6 They can choose to volunteer.

7 Why does somebody volunteer? Again, you heard some
8 reference that is probably true that you probably don't have
9 any kind of real understanding of what the day-to-day life is
10 in a facility like this.

11 In fact, the detainees have no responsibilities to do any
12 specific task. They can, and some of them do, sleep all day,
13 watch TV all day. You can play video games. You can play
14 Xbox 16-hours-a-day, which I wouldn't think anybody can do,
15 but my son has proved me wrong. There are lots of other
16 opportunities for things a detainee can do. To show you some
17 examples, they can go to the law library, they can play at
18 the athletic fields, they can workout in their housing unit,
19 they can watch movies. There is actually a movie program.
20 So participation in the program is optional. But as noted in
21 the standards, the voluntary work program exists because
22 there is the presumption that people want an opportunity to
23 be active. People want an opportunity to feel some
24 accomplishment, to feel productive, to feel like they are
25 contributing to their area, to their household, and to

1 provide a distraction for folks who are in detention and may
2 be bitter about it. The goal in confinement is: Why don't
3 we give folks something to do.

4 So not everyone volunteers, but people do because they
5 want this opportunity. And so all of the detainees, when
6 they volunteer, they know the extent of the program, and they
7 know that they are volunteering, and that the stipend is one
8 dollar per day at this facility.

9 So the volunteer tasks that they do, as I noted, are more
10 like chores. You are going to hear lots about that. Let's
11 talk for a minute about what it takes to become a formal
12 employee of GEO, a formal employee to work at this facility.
13 It requires a massive background check because it is a secure
14 facility. It requires all sorts of skills or qualifications.
15 It requires work authorization in the United States, which a
16 fairly low percentage of these folks have, but, you know, we
17 are going to show none of them could pass the background
18 check.

19 Nonetheless, that's what it would take to be a formal
20 employee. The employees, none of whom are detainees, none of
21 whom are in the facility, in fact, you know, work for wages
22 to support their families. GEO is very proud of its
23 employees.

24 The detainees don't have to work. Everything that is
25 provided to them is provided to them at no charge. There is

1 no back charge where if they are ultimately released where
2 they have to pay for any portion of that. All their food,
3 all their clothing, the laundry, every aspect of what they do
4 is, in fact, paid for without cost.

5 So if they receive either a dollar a day stipend for
6 volunteering, or if they receive money from the outside,
7 whether it is a gift from the family or someone else, that
8 money goes to them and is used at the commissary, so they can
9 pick what they want to spend at the commissary. Items like
10 ramen noodles -- if you learn one thing in this case,
11 apparently ramen noodles are a really big deal in a detention
12 facility. They may purchase different kinds of soaps and
13 shampoos than the ones that are provided by the GEO Group, or
14 telephone calls. Those are the kinds of things they spend
15 the money on.

16 Let's, again, talk about what the program is and what the
17 expectations are. The program is that GEO will make
18 available opportunities. They are filled primarily on a
19 first come, first serve basis. A detainee doesn't have to
20 have any experience or skill to volunteer. If they would
21 like to work in the kitchen or do tasks in the kitchen, they
22 will put their name down and it is first come, first serve.
23 When their name comes up, they will get that opportunity.
24 They don't have to interview for it. GEO doesn't select
25 based on qualifications. It is first come, first serve.

1 Once they volunteer, they can not show up. If they don't
2 show up because they choose to meet with their lawyer, go to
3 religious services, workout or play at the athletic field,
4 GEO would prefer they let the people that they are
5 volunteering with know. If they don't show up, they are
6 nonetheless eligible to stay in the program. That means a
7 detainee can decide, I don't want to do laundry anymore. Let
8 me try the kitchen. Let me try helping out at the athletic
9 facility. That's available to them.

10 As we are going to show you and talk about at the end of
11 the case, this is completely unlike any employment
12 relationship you have ever heard of.

13 So GEO doesn't act like an employer. For the most part,
14 it can't remove folk who are volunteering. Obviously, a
15 violation of the kinds of conduct standards that you would
16 expect in a detention facility, you can't fight, you can't
17 steal, you can't be insubordinate to an officer, would be
18 grounds to, A, remove them from a volunteer position and, B,
19 potentially confine them to their own area. But short of
20 that, you may hear anecdotal or incidental, but it is not
21 supervision, and it is not a job review and performance
22 review like you would be familiar with in any employment
23 context.

24 The program exists because of the ICE determination that
25 it is very important for morale, to decrease boredom, and

1 discipline to have a volunteer option. You didn't hear the
2 word "volunteer" much during opening statement. It is a
3 volunteer position, and the tasks are designed as such. If
4 people choose not to volunteer, they don't.

5 Now, that is one of two legal issues you are going to be
6 deciding, which is the question of: Is this volunteer
7 relationship, can it be changed into an employment context
8 where the volunteer or detainee becomes an employee?

9 There is another legal question, which is that GEO has
10 raised the issue that the State of Washington is attempting
11 to impose a double standard by imposing on GEO, who is a
12 contractor for the federal government, completely different
13 standards than the State of Washington adheres to in its own
14 facilities.

15 You heard a comparison to, say, a prison where someone has
16 been convicted, but that's not all of the detention
17 facilities that are run by the State of Washington. The
18 State of Washington has a number of detention facilities, and
19 it has detainees doing all sorts of tasks that are very, very
20 similar to what the volunteers at the GEO facility do. None
21 of them have ever been classified as employees. None of them
22 get the Washington minimum wage. None. So we are going to
23 show that. You are going to hear that evidence, and you are
24 going to have to decide.

25 You heard some argument kind of impugning the for-profit

1 aspect of GEO, as if the fact that GEO is a for-profit
2 somehow makes it okay to impose a double standard between a
3 detention facility run by the State and a federal detention
4 facility that the federal government has decided to
5 subcontract to GEO.

6 That's what this case is about. I want -- you know, let's
7 start with that second issue first, which is the double
8 standard. You didn't think when you came to a federal trial
9 you would hear a quote from the movie Animal House, but here
10 it is, which is that in the very end of the movie when the
11 heads of the fraternity are watching some of their pledges
12 getting verbally abused and bullied by the head of the ROTC,
13 one goes to the other, he goes, "He can't do that to our
14 pledges. Only we can do that to our pledges." That's what
15 the State of Washington is attempting to impose here.

16 There are lots of things that this case is not about.
17 Some of it you get reminded of as if it is relevant, but it
18 is not. First of which, this is not about the merit of the
19 detention program of the United States government. Whether
20 any detainee, whether a named plaintiff or not has a story
21 about why they came to the United States and sought asylum or
22 violated -- or other detainees may have violated criminal
23 laws, the point is that the questions about American detainee
24 policy, about American immigration policy, about whether we
25 are too loose or too strict, none of this has any application

1 to this case.

2 The second thing you are going to hear about, but the case
3 is not about, is about whether it is okay for a for-profit
4 entity to make a profit. You heard, and apparently you are
5 going to hear testimony impugning the fact that GEO attempts
6 to make a profit on the massive building and the massive
7 project that it runs. Again, this case is not about that,
8 and you are not going to hear anything which would cause you
9 to decide that you would discriminate or think less of GEO
10 because it is a company that happens to be privately run and
11 for profit.

12 Finally, and most important, this case is not about
13 whether one dollar a day is the right number. Should it be
14 two dollars a day? Should it be five dollars a day? None of
15 that matters. The claim here is that the State and the
16 plaintiffs' claim that by virtue of their volunteer work,
17 their volunteer tasks, depending on who you ask, the
18 detainees have changed the relationship and are entitled to
19 \$13.69 an hour, or whatever the minimum wage is at any
20 specific time. The question of whether or not Congress,
21 which set the one-dollar-a-day rate back in 1979, whether
22 that should be readjusted, whether by ICE or Congress, is not
23 the issue here. The fact that those rates are set and are
24 otherwise part of the federal government's program does not
25 change the question of whether there is somehow an employment

1 status that entitles detainees to \$13.70 an hour for their
2 volunteer labors, their volunteer tasks.

3 You are only here to address a very narrow issue, which is
4 the volunteer work program, which is mandated by ICE, which
5 has the specific function in this institution to reduce
6 boredom, reduce idleness and otherwise improve morale,
7 constitutes employment.

8 We really appreciate your attention. We really appreciate
9 you focusing on the kinds of issues that are going to be
10 actually at issue.

11 Thank you for your time.

12 THE COURT: Thank you, Mr. Silverman.

13 I know that Ms. Mell's name is on your picture,
14 Mr. Silverman. I'm sorry for that. She's there, too. I
15 think the jury understands there are two different lawyers
16 there. Ms. Mell is the female lawyer, and Mr. Silverman is
17 the male in that picture.

18 MR. SILVERMAN: She's the one with hair.

19 MS. MELL: Not much.

20 THE COURT: Ladies and gentlemen, we are going to now
21 turn ourselves to the presentation of evidence. We're
22 perhaps a little early for our regular break. I think we'll
23 take a ten-minute break so the lawyers can get ready to start
24 the presentation of evidence. We will just be at recess for
25 about ten minutes.

1 (Recessed.)

2 (The following occurred outside the presence of the jury.)

3 THE COURT: Are we all set here? Who is going to
4 call the first witness for the State?

5 MS. CHIEN: I will, Your Honor.

6 THE COURT: Okay. Bring the jury in. We'll go to
7 work.

8 (The following occurred in the presence of the jury.)

9 THE COURT: Are we ready to proceed?

10 THE CLERK: Yes, Your Honor.

11 THE COURT: Ms. Chien, you may call your first
12 witness.

13 MS. CHIEN: The State would like to call
14 Alisha Singleton.

15 THE COURT: Ms. Singleton, if you will raise your
16 right hand and be sworn.

17 ALISHA SINGLETON,
18 having been sworn under oath, testified as follows:

19 THE COURT: Thank you. You may inquire, Ms. Chien.

20 DIRECT EXAMINATION

21 BY MS. CHIEN:

22 Q Good morning, Ms. Singleton. Can you please state your
23 name?

24 A Alisha Singleton.

25 Q Did you used to work for GE0?

1 A Yes, ma'am.

2 Q How long did you work for GEO?

3 A Almost 20 years.

4 Q When did you start working at GEO?

5 A September of 2001.

6 Q What was your first job at GEO?

7 A Detention officer.

8 Q Where did you work when you worked for GEO?

9 A In the units. I started in Seattle, working the different
10 units.

11 Q You started in Seattle. Did you move locations?

12 A Yes, we moved down to Tacoma in 2004.

13 Q So you started working in Tacoma in 2004; is that right?

14 A Correct.

15 Q Did you work -- what was the facility called in Tacoma?

16 A Northwest Detention Center.

17 Q You testified that you were a detention officer when you
18 first started. Did you later change positions?

19 A Yes, in 2004, I applied and was promoted to classification
20 officer position.

21 Q How many classification officers were there when you were
22 promoted?

23 A One temporary one at the time.

24 Q Was that you or?

25 A No, there was one before me, a temporary one because it

1 was in a position that had been established once we moved
2 down there.

3 Q So when you first held the classification officer job,
4 were you the only classification officer?

5 A Yes.

6 Q When you left GEO, how many classification officers were
7 there?

8 A Two.

9 Q Why do you no longer work for GEO?

10 A I was terminated.

11 Q Prior to your termination, were you working?

12 A No, I had been off since July of 2019 on a work injury
13 under L&I worker's compensation.

14 Q What happened? What work injury?

15 A I was injured during defensive tactics training, and I got
16 a torn rotator cuff.

17 Q When did GEO terminate you?

18 A April of 2021, April 9th.

19 Q Were you supposed to be coming back to work from worker's
20 comp?

21 A Yes, I was supposed to come back April 5th of 2021, but I
22 had already had a preplanned scheduled week of vacation off.
23 I was on vacation pay that week, then I was told that Friday
24 that I was being terminated.

25 Q Were you terminated for unsatisfactory work performance?

1 A No, I had been there for 20 years with zero disciplinary
2 infractions or attendance issues.

3 Q Let's turn to your job as a classification officer,
4 because it sounds like you worked as a classification officer
5 for 15 years; is that right?

6 A Correct, since 2004.

7 Q What were your job responsibilities as classification
8 officer?

9 A I was responsible for the classification program as well
10 as the voluntary work program. For classification, I had to
11 either classify all of the incoming detainees and/or review
12 the ones that had been done after hours, as well as the
13 periodic reviews that were required according to the ICE
14 standards.

15 Q So you mean classify detainees based on what?

16 A It can be their criminal history, disciplinary history, it
17 can be reasons why they would have come into custody.

18 Q You mentioned also in addition to classifying detainees
19 you managed the work program; is that right?

20 A Correct.

21 Q What were your responsibilities over the detainee work
22 program?

23 A So, initially, it was receiving paid slips that were
24 turned in. Then I would enter the pay manually into the pay
25 system for them.

1 Q Did you also receive requests from detainees to work?

2 A At the very beginning periodically. Typically, they just
3 worked and the slips came from the officers.

4 Q Did you receive requests from GEO officers for detainee
5 workers?

6 A At some point, yes.

7 Q During your time as classification officer, did you make
8 work assignments?

9 A Yes.

10 Q I hear you said you worked on pay sheets. Is that what
11 you are saying?

12 A Correct, yeah. Those would be turned in for the previous
13 day's work and they would be entered the following business
14 day.

15 Q And you would enter it; is that right?

16 A Correct.

17 Q Let's talk about those responsibilities sort of in turn.
18 So you testified that you received requests from detainee
19 workers. How did you receive requests from detainee workers?

20 A Initially, they would be on paper, so a paper request
21 submitted by the detainee and then eventually it evolved into
22 a computer request system where they would come
23 electronically.

24 Q Do detainee workers request specific jobs within the
25 detainee work program?

1 A Yes, some will request specific jobs, some will request
2 specific times of the day, some just request for any type of
3 work.

4 Q How many requests on average do you receive a day or did
5 you receive a day?

6 A It could vary. I could receive anywhere from ten a day up
7 to 50 a day.

8 Q I am going to ask you to open the envelope that we have
9 mailed you and see -- pull out Exhibit 321. I am going to
10 ask if you recognize it? That packet should include little
11 tabs. I would like you to turn to Exhibit 321.

12 A In the binder or in the envelope?

13 Q It is in the envelope. Sorry if we made it difficult for
14 you.

15 A This one?

16 Q Yes. Do you recognize this?

17 A Detainee request form.

18 MS. CHIEN: Move to admit Exhibit 321.

19 MS. MELL: No objection.

20 THE COURT: 321 may be admitted.

21 (Exhibit 321 was admitted.)

22 Q Looking at Exhibit 321, can you tell me what this is?

23 A This is a request submitted from a detainee. It looks
24 like they are requesting to work.

25 Q What was your response?

1 A Placed on the waiting list.

2 Q Is that your signature at the bottom?

3 A Yes.

4 Q So a detainee worker doesn't get a job right away whenever
5 he requests one? He has to wait until a job comes open?

6 A Yes. Typically, if it is not available wherever he is
7 requesting the job, yes.

8 Q Who managed the wait list for these jobs?

9 A Classification department does.

10 Q Did ICE receive a review of these detainee workers'
11 requests?

12 A No.

13 Q Did ICE manage the waiting lists for jobs in the detainee
14 work program?

15 A No.

16 Q Did ICE decide which detainees would be assigned to which
17 job?

18 A No.

19 Q You also testified earlier you received requests from GEO
20 staff for more detainee workers; is that right?

21 A Yes.

22 Q Who would request additional workers?

23 A It could be pod officers, any officers responsible for any
24 area where work is needed. It could be a department head
25 over a specific area of work, so they can come from various

1 entities.

2 Q Those are all GEO staff; is that right?

3 A Correct.

4 Q How would they request -- how would you receive requests
5 from GEO staff for more detainee workers?

6 A They could submit -- they could call, leave a voicemail,
7 if they are supervisors and have access to email or some
8 officers do, I get them via email. A lot of times the most
9 common way would be through memorandums. So it would be them
10 typically. There was one outside entity that would use
11 detainees sometimes, commissary officer or commissary person.

12 Q After you received these requests from detainee workers or
13 requests from GEO staff for more detainee workers, what would
14 you do next?

15 A Look at where they are requesting work at, make sure their
16 classification level as well as disciplinary status allows
17 them to work where they are requesting, if there is an
18 opening, make sure they have the proper paperwork, and then
19 place them into a job or on the waiting list for either one.

20 Q How do you assign the work?

21 A We have work rosters we send out that list who is assigned
22 to which jobs. They get -- we take them to the living unit
23 or the areas of responsibility.

24 Q I am going to ask you to look in the folder again for
25 Exhibit 309 and ask if you recognize it?

1 A Yes, it's a pod porter roster. So this is a living unit
2 job assignment roster.

3 Q I want you to actually flip through it because I think
4 there is multiple pages.

5 A Yes, this looks like a complete list of all the job
6 assignments within the facility.

7 MS. CHIEN: I would like to move to admit Exhibit
8 309.

9 MS. MELL: Objection, Your Honor, relevance. It
10 contains information in excess of what the testimony has
11 been.

12 MS. CHIEN: It is the work rosters that the witness
13 has identified for the entire facility. We believe this is a
14 business record.

15 THE COURT: Is this just for one day, Ms. Singleton?
16 I see a date at the top.

17 THE WITNESS: Yes, looks like this is for October
18 25th. So for this particular day, that would have been the
19 date completed.

20 THE COURT: All right. Exhibit 309 may be admitted.

21 (Exhibit 309 was admitted.)

22 Q So looking at this exhibit, how often did these work
23 rosters come out?

24 A It could vary depending on the need. Typically, pod ones
25 were done three days a week. Kitchen was done two days a

1 week and the other areas, based on needs. There were other
2 areas that different workers would submit requests for
3 changes.

4 Q That is helpful to me. Maybe I should orient ourselves to
5 the document. Looking at Page 1 of Exhibit 309, can you tell
6 me what this page is?

7 A This is a pod porter roster. So this is one of the
8 specific living units in the facility. It lists all the jobs
9 that are available. It lists who is assigned to the job as
10 well as the waiting list.

11 Q Is it the job assignments for the A-1 pod?

12 A Correct.

13 Q If you see in the fourth column, it says, "Main job
14 responsibilities should be completed as scheduled." Do you
15 see that?

16 A Yes.

17 Q Was the expectation that the duties would be completed as
18 scheduled?

19 A Yes.

20 Q I understand that Page 2, if you turn to Page 2 of the
21 document. Can you tell me what this -- can you tell me what
22 this roster is for?

23 A This is the A-2 living unit work roster sheet for who is
24 assigned to those jobs in that area.

25 Q I understand the next couple pages go to each different

1 pod within the facility. I would like you to turn to Page
2 11. It is Bates stamped at the bottom 26931 if that helps.
3 Can you tell me what this roster is for?

4 A This is a female laundry detail that was completed within
5 the Delta 1, so D-1 living units where the females were
6 housed.

7 Q So females assigned to D-1 were assigned to female
8 laundry?

9 A Correct, the laundry that was completed outside the unit
10 in the laundry area was brought into the female unit once it
11 was completed and they would do the folding and sorting of
12 it.

13 Q So D-1 pods would fold the laundry?

14 A Correct.

15 Q What is the time of their work shift, according to this
16 roster?

17 A Nine p.m. to one a.m.

18 Q I would like to turn to the next page of this work roster.
19 Can you tell me what this assignment, what this work roster
20 is for?

21 A It is a female detail for cleaning up the medical
22 department.

23 Q Can you go down to the next page. We are back to the
24 pods?

25 A That's Delta 2, which is another female unit.

1 Q I would like to turn to Page 22 of Exhibit 309. Can you
2 tell me what this work roster is for?

3 A That is the laundry detail. That is where work is
4 completed in the laundry department where they do the washing
5 of the clothes for the facility.

6 Q These are the workers that are assigned to the laundry
7 facility?

8 A Yes.

9 Q I would like to turn to the next page. Do you recognize
10 this work roster? What jobs was this work roster for?

11 A This is an intake clean-up detail. These detainees work
12 in the intake and processing area and doing the cleaning of
13 those cells and the common area in there.

14 Q I would like to turn to the next page and ask you what the
15 workers assigned on this page were responsible for?

16 A This is the floor detail. These detainees did mopping,
17 sweeping, waxing and/or buffing of any of the facility common
18 area, so typically the halls.

19 Q Is this sometimes referred to as the Grey Mile workers?

20 A Correct.

21 Q I would like to turn to the next page. Can you tell me
22 what these detainees were assigned to do?

23 A They were assigned to clean the outside recreation yard on
24 the exterior of the facility.

25 Q I would like to turn to the next page. Can you tell me

1 what the detainees on this work roster were assigned to do?

2 A Barber detail. They worked inside the barbershop,
3 haircuts for the detainees in the facility. The second
4 portion is they would do the clean up in that area after the
5 barbers were completed.

6 Q I would like you to turn to the next page. Can you tell
7 me what the detainees assigned to this detail were doing?

8 A Kitchen shift. They worked in the kitchen in the
9 facility. This was the breakfast shift roster for the
10 morning.

11 Q Do you see what hours the breakfast shift were scheduled
12 to work at?

13 A Yes, 3:30 a.m. to 7:30 a.m.

14 Q Were detainees expected to -- were detainees scheduled on
15 this work roster expected to work their shift?

16 A Correct. If they had days off and they requested them,
17 they were on this list as well.

18 Q If can you go to the next page. Do you see this is where
19 workers were -- what were workers assigned to do in this work
20 roster?

21 A This is a continuation of the breakfast shift, the morning
22 shift kitchen roster.

23 Q Looks like detainees are numbered, looks like there is 33
24 workers assigned to the breakfast shift; is that right?

25 A That's the number at that time that we were allowed to

1 have in there. Looks like one is missing so they had 32.

2 Q Okay. Looking at this exhibit list, or I'm sorry, looking
3 at this work roster, I want to go back to my earlier
4 question, how long would it take to put together these work
5 rosters?

6 A It can vary depending on how many updates need to be
7 completed. Kitchen roster takes the longest. Kitchen takes
8 pretty much a full eight-hour workday to complete.

9 Q How frequently did the kitchen roster come out?

10 A Twice a week, minimum. Sometimes three times a week if
11 they did not have enough workers and needed more updates.

12 Q So once the workers are on the rosters and assigned, how
13 are detainee workers informed as to what their job duties
14 are?

15 A Every area has a training sign-off sheet where they are
16 supposed to orientate them and go over what their job
17 responsibilities are, and the detainee signs off on them.

18 Q You called it a training worksheet, is that what you said?

19 A Yeah, like a job description which goes over what their
20 duties are.

21 Q There is a job description that detainee workers sign when
22 they work a certain shift; is that right?

23 A Correct.

24 Q Which jobs have job descriptions?

25 A Pod workers do. Kitchen workers do. Laundry does. Floor

1 detail does. All of the ones I am aware of have a job
2 description that they sign, and the officers who went over
3 the responsibilities signs it as well.

4 Q Remind me of what the purpose of the job description is,
5 what is the purpose of the job description?

6 A So they are aware of what their responsibilities are for
7 it.

8 Q Who trains the detainee worker and walks through the job
9 description?

10 A Typically, the person responsible for that area. So if it
11 is in the living unit, it will be the pod officer. If it is
12 in the kitchen it will be one of the kitchen staff, whoever
13 oversees that area.

14 Q Is that GEO staff?

15 A Yes, all GEO staff.

16 Q Do detainee workers have to sign anything else in addition
17 to the job description?

18 A Voluntary work agreement. They sign their pay sheets
19 also.

20 Q I am going to hand you Exhibit 229 and ask you to look at
21 that. I am going to ask you to open it and look, review 229
22 and the documents I have given you. Do you recognize this?

23 A Yes, it is a voluntary work agreement.

24 MS. CHIEN: I would like to move to admit Exhibit
25 229.

1 MS. MELL: No objection, Your Honor.

2 THE COURT: It may be admitted.

3 (Exhibit 229 was admitted.)

4 Q What is this again?

5 A Voluntary work program agreement.

6 Q Detainees are required to sign this when they start a job
7 in the voluntary work program; is that right?

8 A Yes, it is required to be signed before they are allowed
9 to work.

10 Q I see in No. 3 at the top of the sheet says, "Detainees
11 are required to work when scheduled and participate in all
12 work-related training."

13 Did I read that correctly?

14 A Yes.

15 Q Was that an expectation of the work program?

16 A Yes.

17 Q I am going to look at No. 4 as well. Says, "Unexcused
18 absence, unsatisfactory work performance or participation in
19 a serious infraction, fighting, is cause for removal from a
20 work assignment. Workers are expected to be ready for work
21 at the required time."

22 Did I read that correctly?

23 A Yeah.

24 Q I would like to turn to the bottom, towards the bottom of
25 the work agreement. It says, your safety is our highest

1 priority. Please ask for the safety equipment if it is not
2 immediately provided for your detail. And then it says, "We
3 thank you for your important contribution to maintaining this
4 facility." Did I read that correctly?

5 A Yeah.

6 Q Detainee workers make an important contribution to
7 maintaining the facility?

8 A Yes.

9 Q All right. You also mentioned pay sheets, I believe.
10 Detainee workers had to sign pay sheets; is that right?

11 A Correct.

12 Q What is a pay sheet?

13 A Pretty much, in essence, like a timecard, for once they do
14 their job or complete it, then they sign and that's how they
15 get paid.

16 Q I am going to hand you Exhibit 80 and ask if you recognize
17 it. I am going to ask you to open Exhibit 80.

18 A Yes. This is the daily detainee worker pay sheet.

19 MS. CHIEN: I would like to move to admit Exhibit 80.

20 MS. MELL: No objection.

21 THE COURT: All right. 80 may be admitted.

22 (Exhibit 80 was admitted.)

23 Q Do you know who created this pay sheet form?

24 A It would have been Michael Heye would have been the one
25 that created it.

1 Q Is Michael Heye a GEO staffer?

2 A Yes, second person that was in classification.

3 Q Michael Heye started after you as classification officer;
4 is that right?

5 A Yes.

6 Q When are detainees required to sign this form?

7 A They are supposed to sign it after they complete their job
8 assignment.

9 Q The work roster we saw before indicates what the
10 detainee's job is. This worker pay sheet actually indicates
11 if they worked that day; is that right?

12 A Correct.

13 Q Read fourth bullet point. It says, "List all details on
14 the pay sheet except the kitchen, barbershop, outside,
15 laundry and recreation yard for detail." Can you tell me
16 what that is referring to?

17 A Those are the external jobs outside of the living units
18 themselves or the area. They turn in their own pay sheets
19 because they are the ones that verify their work.

20 Q So there is a separate pay sheet for those areas of the
21 work program; is that right?

22 A That is correct.

23 Q I am going to turn to the last bullet of the detainee
24 worker pay sheet, and it says, by obtaining a detainee
25 signature, staff is affirming the following have been

1 evaluated, met acceptable standards, the job was completed,
2 detainee maintained a good attitude and the detainee began
3 work on time.

4 Did I read that correctly?

5 A Yes.

6 Q In your experience, was GEO staff supervising detainee
7 workers required to evaluate and affirm that detainee workers
8 met those standards before detainee workers could sign the
9 pay sheet?

10 A Yeah, usually in the area they are in. The work is
11 completed so they come up usually like in the pod, sitting on
12 their desk, and she will come sign it once it is done and let
13 the officer know they completed their job.

14 Q Once you have the pay sheets, the pay sheet I just showed
15 you, the ones from the other facilities, what did you do?

16 A We put them together in order and then go through and
17 manually input their pay into the pay system.

18 Q I am going to hand you -- or direct you to look at Exhibit
19 115. Do you recognize this?

20 A Yes, this is a printout from a completed day of pay sheet.

21 MS. CHIEN: I would like to move to admit Exhibit
22 115.

23 MS. MELL: No objection.

24 THE COURT: 115 may be admitted.

25 (Exhibit 115 was admitted.)

1 Q This exhibit, I believe, is 24 pages long. Can you tell
2 me, what does this indicate, what is listed in this batch
3 listing?

4 A In the batch, it has the detainee's name, the date the
5 transaction was completed, the time it was considered
6 complete, the whole batch and the date that they completed
7 the work.

8 Q Do you see in the column for user there are initials,
9 A. S.?

10 A Correct, that would have been me. I would have done the
11 batch on this particular day.

12 Q In the second column, is this a list of detainee workers
13 that worked in the detainee work program?

14 A Yes.

15 Q Under transaction amount, what does that mean?

16 A That is how much they were paid that particular day for
17 that job.

18 Q I would like you to turn to Page 12 of this exhibit. I
19 think it is Bates stamped 104158, if that helps you. 157,
20 apologies. I'm sorry, 158. Do you recognize this?

21 A Yes.

22 Q What is it?

23 A So it is a work roster. This is the one that was -- we
24 originally used when we first created them for how we did
25 their pay, these would get turned in and we would pay them

1 off of this.

2 Q These work rosters or pay sheets were what supported the
3 transaction amount we looked at above?

4 A Correct.

5 Q Did GEO maintain the same or similar records for every day
6 the detainee workers performed work?

7 A Yes.

8 Q Now that we have talked about work program procedures, I
9 would like to move to assignments and schedules. When we
10 talked about the work rosters, it looked like there were jobs
11 in the units of the facility -- in the pods, laundry, intake,
12 floor workers, the rec yards, the barbershop and then the
13 different kitchen shifts; is that right?

14 A Correct.

15 Q Did ICE direct you that these were the jobs or tasks to
16 include in the detainee work program?

17 A No.

18 Q Who decided those were the areas the detainee workers
19 would work in the facility?

20 A GEO.

21 Q Let's take the schedules for each in turn. How many
22 detainee workers were assigned to work in GEO's kitchen
23 operations when you left -- when you last worked at GEO?

24 A I believe there were around between 30 and 35, I believe.

25 Q Per shift?

1 A Per shift, and then that was for the three shift --
2 serving shifts. And then they had, I believe, ten on a night
3 cleaning shift.

4 Q You mean when you say "serving shifts," you mean
5 breakfast, lunch and dinner?

6 A Correct.

7 Q 30 to 35 detainees on each shift?

8 A Correct.

9 Q What were the hours for the breakfast shift?

10 A The breakfast shift was approximately 3:30 a.m. to about
11 7:30 a.m.

12 Q What were the hours for the lunch shift?

13 A So lunch was 2:30 -- no, lunch was around 11:00 because
14 they had to go down before count. Lunch would have been
15 about 11:00 and then they were done, typically, around 3:00.

16 Q Are you referring to Exhibit 309 to refresh your
17 recollection on this?

18 A Yes.

19 Q What were the hours for the dinner shift?

20 A 11 to 2:30 for lunch. Dinner was 3:30 to about 7.

21 Q What time did the night crew work from?

22 A They worked, I believe, 11 p.m. they worked -- about ten,
23 11 to about two a.m.

24 Q Moving on to the laundry, how many detainee workers were
25 assigned to work in GEO's laundry operation?

1 A Laundry, I believe they had four, yeah, four on each
2 shift. They had a day shift and then they had a swing shift
3 so it would have been four assigned to each.

4 Q Eight workers in total?

5 A Yes.

6 Q Approximately, how many hours did they work in laundry?

7 A Laundry, they typically -- day shift would go down when
8 the day shift officers get there, so about 7:30, 8:00. They
9 would work, depending on the day, anywhere from until 12
10 usually. They go back for lunch and count, and then they
11 come back and they would be done, typically, by two.

12 Q How many detainee workers were assigned to the barbershop?

13 A The barbershop could have up to, I believe, ten were
14 assigned, but they only typically had about three or four in
15 there. That's how many chairs they had, so it was determined
16 based on whatever level they were cutting that day who
17 actually was going to be the barber.

18 Q Approximately three to four barbers would work on any
19 shift in the barbershop?

20 A Yes.

21 Q But ten workers would be assigned to the barbershop?

22 A Correct.

23 Q How many detainee workers could be assigned to working in
24 the living unit, in the pod?

25 A That depended on the size of the living unit. So the

1 bigger units, those had 18 or 19 for our bigger units. Then
2 the smaller units, say, about 15.

3 Q Can you remind me what the job responsibilities were of
4 the people working in the living units?

5 A Yeah, they would clean the floors and tables after the
6 meals, sweep and mopping them, cleaning the showers. If it
7 was a unit that had open bathrooms, then they would be
8 responsible for cleaning the bathrooms, toilets, floors in
9 there as well. They all cleaned the showers in all the
10 units.

11 Q To clarify, was there jobs in the living unit for laundry
12 as well?

13 A Yes, they had laundry jobs in the units. The laundry
14 person, because when they would bring the laundry to the
15 unit, they would give it back to the detainees who it was
16 assigned to.

17 Q The folks working in the pod who were in laundry were
18 separate from the detainee workers who were assigned to the
19 laundry facility; is that right?

20 A Correct.

21 Q All of these jobs in the living unit, they are assigned to
22 clean the showers, bathrooms, the tables where detainee
23 workers eat, is this separate from where detainee workers,
24 their individualized bunk areas?

25 A Correct.

1 Q They are assigned to work in the common areas of the
2 living unit; is that right?

3 A Correct.

4 Q Have the pod porter job responsibilities been the same
5 throughout your tenure as classification officer?

6 A They varied slightly over the years.

7 Q Why did they change over the years?

8 A They changed. We had expansion and added additional
9 units, which were a different size, so they became larger,
10 then we needed more people to do cleaning.

11 Q When you first started at GEO, how many pod workers were
12 there in the unit, approximately?

13 A I am going to guess five, if even that.

14 Q You mentioned that the Northwest Detention Center
15 expanded. Is that why you are talking about there was more
16 people in the Northwest Detention Center when you left
17 employment?

18 A Yes.

19 Q What is a pod porter schedule?

20 A The pod porter is going to be based on shift. You have
21 day shift, swing shift, graveyard shift, and they will have
22 specific times that they are supposed to do the jobs,
23 depending on what shift they are assigned to and what job.

24 Q Was it seven days a week?

25 A Typically, yes.

1 Q Let's move to floor workers, the workers that work on the
2 Grey Mile. What do the floor workers on the Grey Mile do?

3 A The floor, Grey Mile workers, they can sweep. Typically,
4 nightly, they would sweep and at least mop up the floors.
5 Sometimes they would do it throughout the day because they
6 did create a day shift one during count to maintain the
7 floors, and they would do waxing and buffing as well.

8 Q Did waxing and buffing the floors require equipment?

9 A Yes.

10 Q Who provided that equipment?

11 A GEO.

12 Q How many detainee workers were assigned to the Grey Mile
13 or assigned to do this floor work?

14 A So, they could have up to 16. It just varies on what the
15 need is on any given night, how many they will actually use.

16 Q I would like to move to intake. What do detainee workers
17 do who are assigned to intake?

18 A They clean the cells in there where the intake, the
19 bookings come in. They clean the common area floor, sweeping
20 and mopping those as well, taking the trash out from all the
21 areas inside of the intake area.

22 Q How many detainee workers are assigned to intake?

23 A So they had four on day shift and three on swing.

24 Q Let's move to the medical area. What did the detainee
25 workers assigned to medical do?

1 A They cleaned the floors, sweeping and mopping them. They
2 took out the trash and wiped down common areas and cleaned
3 the cells in there as well.

4 Q When would medical workers work?

5 A They would usually work during count time, because there
6 wasn't any movement and the females did it, so they had to do
7 it during count when the males weren't out.

8 Q Let's move to visitation. What did detainee workers do
9 assigned to visitation?

10 A Cleaned the visiting area, mopping, sweep, wiping down the
11 counters, the seats, the windows.

12 Q How many detainee workers are assigned to visitation?

13 A Visitation, I believe they had -- let's see, I think there
14 was two per shift maybe. They had those on day shift and
15 swing shift. I do not see a roster for that one.

16 Q Let me see. We will do it off your memory if it is not
17 included in Exhibit 309.

18 Let's go to recreation. What did detainee workers do
19 who were assigned to recreation?

20 A They sweep, pick up trash out there.

21 Q Is there a bathroom out there?

22 A Yes, there is a bathroom. They would clean that.

23 Q How many detainee workers are assigned to recreation?

24 A Outside recreation, they have four. They had four of
25 them. They were typically on days. I believe we added a

1 swing shift so that they would have something to do cleaning
2 on swing shift as well, I believe it was four and four or
3 four and three when I left.

4 Q Can you clarify that for me. What do you mean by "four
5 and four and three"?

6 A So four on day shift, and then four or three would be on
7 swing shift also. We added an occasional shift so the units
8 can be maintained throughout the day.

9 Q So now that we have identified the number of workers in
10 each schedule, I would like to zoom out. I am going to hand
11 you Exhibit 82 and ask if you recognize it?

12 A Yes.

13 Q What is it?

14 A It was an email sent to the administrative secretary that
15 was sent monthly for the pay statistics for the month that we
16 send every month to her.

17 Q You sent it to the administrative assistant on a regular
18 basis?

19 A Yes, every month.

20 MS. CHIEN: I would like to move to admit Exhibit 82.

21 MS. MELL: Objection, duplicative to her testimony.
22 It is hearsay testimony anyway.

23 MS. CHIEN: This is an email that Ms. Singleton wrote
24 and calculated. It is not duplicative. It includes the
25 total detainee workers that worked.

1 MS. MELL: The document is not needed. She's here to
2 testify.

3 THE COURT: Is this a document you prepared,
4 Ms. Singleton?

5 THE WITNESS: Yes, sir. I sent an email and created
6 the spreadsheet and sent that with it as an attachment.

7 THE COURT: 82 may be admitted.

8 (Exhibit 82 was admitted.)

9 Q Let's start with this email. This is an email you sent;
10 is that right?

11 A Yes.

12 Q It says -- it is to Shihpei Stevenson, who I think is the
13 administrative assistant; is that right?

14 A At that time she was, yes.

15 Q And it says, "This is my ICE outcome measures"; is that
16 right?

17 A Correct.

18 Q What is ICE outcome measures?

19 A ICE outcome measures, that is the classification system,
20 the standards we were required to comply with where we have a
21 number of different things that were required to be sent
22 monthly or quarterly at this particular time for, like,
23 levels in custody and so forth, how many wages were paid for
24 the voluntary work program.

25 Q What did the attachment to this email, what did it count?

1 A It counted all the workers that participated, the average
2 in the work program for a particular month.

3 Q I would like to turn to Page 2 of Exhibit 82. What does
4 it list at the top of each column?

5 A That is the daily work crew count sheet. That is how many
6 workers worked each day of that particular month.

7 Q Turning to Page 3, the sheet doesn't print quite easily so
8 I am going to have to direct you a little bit. Turning to
9 Page 3 of Exhibit 82, it says, "total."

10 A Correct. That's the total for each column for how many
11 detainees worked or were paid for completing those jobs.

12 Q So for example...?

13 A Per pod for that particular month for workers throughout
14 the whole unit facility, they paid \$4,132 to detainees to
15 work cleaning the living units.

16 Q For kitchen, which is the fifth column?

17 A \$1,551.

18 Q Detainee workers worked in the kitchen for the month of
19 February; is that right?

20 A Correct.

21 Q What does "O-S-R" stand for?

22 A Outside recreation.

23 Q What does "facility" stand for?

24 A Details within the facility that are not normally assigned
25 jobs. It could be paint -- could be random things. It could

1 be random things, like it could be some type of paint detail,
2 something that was specific that needed to be done out of the
3 normal. So, for example, it could be -- one of the things
4 that fell under facility was commissary detail. That was one
5 of those.

6 Q Is it a special detail, something that a GEO staffer
7 requested a detainee worker for?

8 A Yes.

9 Q That would fall under facility?

10 A Correct.

11 Q What does "previous" refer to?

12 A Previous is they hadn't been paid for a job they had done
13 on a day before that day, but the pay signature, whatever was
14 needed for verification, came in on that day, so that's the
15 day we completed the pay.

16 Q I would like to turn to Page 4. There is another total
17 column.

18 A Yes, so that looks like that is the end of the sheet, so
19 that represents every day how many people were paid, total.
20 So the first column should be 229 people would have been paid
21 on the 1st of that month.

22 Q Great. Now that we have a general idea of the number of
23 detainee workers in the program, I would like to ask: How do
24 you know how many detainee workers to assign to these jobs?

25 A It is going to be based on the areas and whatever

1 administration says they are allowed to have for those areas.
2 So if officers request them, or request more, then the
3 request would be submitted to -- for me, typically, the
4 associate warden because that's my -- was my direct
5 supervisor. Then he would say yes or no at some point.

6 Q Was your associate warden a GEO staffer?

7 A Yes.

8 Q Did you ever ask your GEO supervisor whether ICE had
9 authorized the number of detainee workers in each job
10 assignment?

11 A No.

12 Q Did you have the authority to change detainee workers'
13 schedules in order to address requests from GEO staff for
14 more workers?

15 A Yes.

16 Q If an area was not meeting certain safety and sanitation
17 requirements, could you assign more detainee workers to that
18 area?

19 A If it was authorized, yes.

20 Q Do you mean authorized by your GEO supervisor?

21 A Correct.

22 Q Did you have to ask ICE to assign workers to any given
23 area?

24 A No.

25 Q We have talked about the work program operationally. I

1 would like to move on to how the work is supervised. Who
2 evaluates the detainee workers as to whether or not their
3 work is satisfactory?

4 A The person responsible for that area.

5 Q For example, who supervises the work on the Grey Mile, the
6 hallway?

7 A Typically the Grey Mile will either be an officer or
8 sometimes one of the lieutenants or sergeants.

9 Q Who supervises the work done in the barbershop?

10 A They have recreation officers that supervises the law
11 library, and the barbershop is right across from it.

12 Q Is that a GEO staffer?

13 A Yes.

14 Q Have GEO detention officers told you that detainee workers
15 are not doing their job correctly?

16 A Yes.

17 MS. MELL: Objection, hearsay.

18 BY MS. CHIEN:

19 Q What did you tell --

20 THE COURT: Wait a minute, wait a minute. The
21 objection is overruled.

22 BY MS. CHIEN:

23 Q What did you tell GEO detention officers to do when
24 detainee workers are not doing their job properly?

25 A I would tell them that if they are not doing their job

1 properly or if they don't want to work, I advise them it is a
2 voluntary program. If the detainee doesn't want to work, he
3 would need to sign a refusal-to-work form.

4 Q Have detainees been removed from work details?

5 A Yes.

6 Q For unsatisfactory performance?

7 A Yes.

8 Q Are you aware -- what would GEO staffers do when detainee
9 workers had unsatisfactory work performance?

10 A Usually, they would have -- give them the refusal-to-work
11 form and tell them to sign it because they are not doing
12 their job correctly. You know, correct them and have them go
13 complete the work.

14 Q The GEO staffer would ask the detainee workers to sign a
15 refusal-to-work form; is that right?

16 A Correct.

17 Q I am going to ask you to look at Exhibit 103 and ask if
18 you recognize it.

19 A Yes, this is the detainee refusal-to-work form.

20 MS. CHIEN: I would like to move to admit Exhibit
21 103.

22 MS. MELL: No objection, Your Honor.

23 THE COURT: 103 may be admitted.

24 (Exhibit 103 was admitted.)

25 Q Did some detainee workers refuse to sign the

1 refusal-to-work form?

2 A Yes.

3 Q What would the GEO staffer do then?

4 A Usually, they would still turn it in.

5 Q So GEO staff effectively would fire the detainee workers?

6 MS. MELL: Objection, Your Honor.

7 THE COURT: Sustained. It is leading.

8 Q So what would the GEO staffer do when they turned it in?
9 What did that indicate to you?

10 A When they turned the form in, because the officer's name
11 is on the top, that indicates to me they did not want to have
12 their job or complete their job, and they are removed from
13 whatever job they are assigned to, if it is anything outside
14 of the kitchen. The kitchen, because they are sick, it has
15 to go to medical because they require medical clearance.

16 Q Separate from the kitchen, did this happen frequently that
17 GEO -- that GEO staffers would submit this refusal-to-work
18 form?

19 A I would get them on a regular basis because I get them in
20 paperwork and memorandums from the pod officers for which
21 somebody needed to be replaced.

22 Q What is the proper process for removing a detainee worker?

23 A They either have to be removed because they refused to
24 work, which means they are opting not to have the job, or
25 disciplinary sanction.

1 Q Okay. How were you informed a detainee worker had been
2 removed from work due to a disciplinary sanction?

3 A I would receive a copy of their disciplinary sanction form
4 that is signed off on by the facility administrator.

5 Q The facility administrator, is that sometimes known as a
6 warden.

7 A Correct.

8 Q Is that a GEO staffer?

9 A Correct.

10 Q Would ICE be involved when a detainee is terminated for
11 disciplinary reasons?

12 A No.

13 Q Do you keep track of detainees who have been removed from
14 work via disciplinary sanction?

15 A Yes.

16 Q Does that impact how you do your work rosters?

17 A Yes, when they are requesting, I have to review that to
18 make sure they have not been removed from specific detail or
19 jobs in general before I can assign them.

20 Q We talked about detainee workers operations. I would like
21 to move on to their pay, how detainee workers are paid. How
22 much did detainee workers get paid?

23 A A dollar a day.

24 Q Has GEO ever considered paying more than a dollar per day?

25 A They have paid more than a dollar a day on occasion.

1 Q I would like to ask you to look at Exhibit 69 and ask if
2 you recognize it?

3 A Yes, department head meeting minutes.

4 Q Did you likely attend this meeting?

5 A Yes.

6 Q Meeting minutes were kept in the regular course of
7 business?

8 A Yes.

9 Q I would like to move to admit Exhibit 69.

10 MS. MELL: Your Honor, GEO objects to admission of
11 the meeting minutes as containing information that is beyond
12 the scope of this witness's knowledge and testimony and
13 duplicative.

14 Q Ms. Singleton, you attended this meeting; is that right?

15 A Correct, I was at the meeting.

16 MS. MELL: If she was at the meeting, she can testify
17 to what happened.

18 THE COURT: Is this a business record of GEO's? I
19 guess I am asking you, Ms. Singleton.

20 THE WITNESS: Yes.

21 THE COURT: I think it may be admitted.

22 (Exhibit 69 was admitted.)

23 Q I am going to ask you to look down at these meeting
24 minutes. Let me step back.

25 How often did department heads meet at the Northwest

1 Detention Center?

2 A Monthly. Once a month, typically.

3 Q Do you see your name listed as one of the staff present at
4 this meeting minute?

5 A Yes.

6 Q What was the purpose of these department head meetings?

7 A Go over any issues going on, to bring up things that
8 needed to be addressed, employees of the month, audits if we
9 have them, findings, various facility operation issues.

10 Q In looking at the staff listed at this meeting minutes,
11 are those all GEO employees?

12 A Yes, every last one.

13 Q I would like you to turn to No. 7. I am going to read it
14 for you. It says, "We are looking for incentives that are
15 allowed by the policy standards and/or contract to compensate
16 kitchen and laundry workers beyond a dollar a day." Did I
17 read that correctly?

18 A Yes.

19 Q Had detainee workers been paid more than a dollar per day?

20 A Yes.

21 Q How much had they been paid?

22 A There have been various times where it could vary,
23 sometimes it would be a dollar, sometimes people were paid
24 two dollars, some were paid five dollars a day.

25 Q Let's turn back to Exhibit 115 which we testified earlier

1 was the batch listing. I would like you to turn to Page 3 of
2 that batch listing. Do you see at the top the worker named
3 Arturo Murillo-Camacho?

4 A Yes.

5 Q How much was he paid?

6 A Five dollars.

7 Q Do you know why he was paid five dollars?

8 A He would have worked in the kitchen. At that time, the
9 facility administrators authorized people working in the
10 kitchen if they worked three shifts they could be paid \$5.

11 Q Arturo worked three shifts?

12 A Correct, he would have worked breakfast, lunch and dinner.

13 Q I am going to ask you to turn to Page 21 of the document
14 of Exhibit 115.

15 A What is it? What is the number on the bottom?

16 Q 104167. What is this?

17 A This is how the kitchen workers are paid. It's a copy of
18 an account sheet. This is how they attest they were in there
19 working at the time because it is done during serving shifts.

20 Q Do you see Arturo Murillo's name in No. 12?

21 A Yes.

22 Q Does this indicate he worked the breakfast shift?

23 A Yes, that's breakfast.

24 Q Because the formal count time?

25 A 4:46 a.m.

1 Q Turning to the next page, is this the count sheet for
2 lunch?

3 A Yes.

4 Q You can tell because the formal count time was at 11:40?

5 A Correct.

6 Q Do you see Murillo's name listed at No. 19?

7 A Yes.

8 Q I am going to ask you to turn to the last page. This is
9 the formal count time for dinner?

10 A Yes.

11 Q Did you see Murillo's name listed at No. 19?

12 A Yes.

13 Q Were there more than just Mr. Murillo who worked all three
14 shifts in the kitchen, based on your review of the count
15 sheets?

16 A Yes.

17 Q Are all the people whose names are crossed out in that
18 exhibit paid five dollars?

19 A (No verbal response).

20 Q Thank you.

21 So let's talk about ICE's role in the detainee work
22 program. What role did ICE or ICE's standards play in the
23 detainee work program?

24 A ICE standards allowed there to be a work program and set
25 some basic guidelines for if you do have one, requirements

1 that are required to be met.

2 Q Did ICE require GEO to assign workers to the kitchen,
3 laundry or Grey Mile?

4 A No.

5 Q Did ICE train the detainee workers?

6 A No.

7 Q Did ICE supervise the detainee workers?

8 A No.

9 Q You testified that you worked for GEO for almost 20 years.
10 Let's talk a little bit about the detainee work program over
11 time. When you first started, how many detainees were there?

12 A First started in 2001. On a high day, close to around
13 100. A little over.

14 Q What happened to the detainee population when you moved to
15 Tacoma?

16 A It increased.

17 Q To how many detainees?

18 A When I left, it was upward, you can have up to 1500.

19 Q How did those expansions impact your job responsibilities
20 as the classification officer?

21 A It became more time involved to complete the work due to
22 the high number of how many detainees you have there who have
23 to be classified, as well as be assigned jobs and requests
24 being answered.

25 Q So you had more work rosters to create; is that right?

1 A Yes.

2 Q And more payroll?

3 A More workers to assign to jobs that already existed.

4 Q Were there new areas that you had to assign jobs for?

5 A Yes, they expanded. They built an entire new living unit
6 so we had to, you know, hire detainees to clean those. They,
7 as a result of adding it, created additional floors that
8 needed to be waxed, mopped and buffed, so they had to hire
9 more workers for that. The outside recreation yard was an
10 addition. That didn't exist originally. They had to hire
11 workers to clean that as well.

12 Q By workers, you mean detainee workers, correct?

13 A Correct.

14 Q Talk about the detainee workers pay rate and how it is
15 set. Does ICE standards regarding the detainee work program
16 indicate what detainee workers should be paid?

17 A Yes.

18 Q What does it say?

19 A Currently?

20 Q Currently.

21 A Last one I saw, it says that they are to be paid at least
22 one dollar per day.

23 Q Was that a change from prior ICE standards?

24 A Yes, originally, the ICE standards said they were to be
25 paid one dollar per day.

1 Q Do you recall when there was the change in the ICE
2 standard?

3 A I am going to say somewhere around 2010, 2011-ish.

4 Q Did you notify your direct supervisor of that change?

5 A Yes.

6 Q Who was your direct supervisor?

7 A At that time, it would have been Bill McHatton.

8 Q He was the associate warden of the facility?

9 A Yes.

10 Q I am going to show you Exhibit 78. Do you recognize this
11 document?

12 A Department head meeting minutes?

13 Q Yes.

14 A Yes.

15 Q Is this likely a meeting you attended?

16 A Yes, I did attend it.

17 MS. CHIEN: I would like to move to admit Exhibit 78.

18 MS. MELL: No objection, Your Honor.

19 THE COURT: It may be admitted.

20 (Exhibit 78 was admitted.)

21 Q This meeting appears to have occurred on May 1, 2012; is
22 that right?

23 A Correct.

24 Q Did you see the staff present?

25 A Yes.

1 Q You see your name listed as the classification officer
2 present?

3 A Yes.

4 Q The participants included the warden, Lowell Clark, and
5 the associate warden, Bill McHatton; is that right?

6 A Correct.

7 Q Do you see where it says, "Ms. Singleton addressed several
8 key areas of the new PBNDS?

9 A Yes.

10 Q And then it says on F, "payment for kitchen workers are
11 flexible under the new PBNDS"?

12 A Yes.

13 Q So did you likely tell department heads that payment for
14 kitchen workers was flexible under the new PBNDS, the new ICE
15 standard?

16 A I told them specifically the standard now allows them to
17 be compensated more than a dollar.

18 Q I would like to show you Exhibit 14. Do you recognize it?

19 A Yes.

20 Q What is it?

21 A It is a memorandum that I would have given to my
22 supervisor, Associate Warden McHatton, regarding the
23 voluntary work program changes with the standards that were
24 different from the previous standards.

25 MS. CHIEN: I would like to move to admit Exhibit 14.

1 MS. MELL: No objection, Your Honor.

2 THE COURT: 14 may be admitted.

3 (Exhibit 14 was admitted.)

4 Q Was this a memo you wrote to Associate Warden McHatton?

5 A Correct.

6 Q It is dated April 12th, 2012?

7 A Correct.

8 Q Do you see the subject line says "Voluntary Work Program
9 2011, PBNDS standards"?

10 A Correct.

11 Q That refers to ICE standards?

12 A Correct.

13 Q States that compensation is now at least one dollar.
14 However, doesn't say we don't have the option to pay more if
15 we like.

16 MS. MELL: Objection, Your Honor, she's reading the
17 document.

18 THE COURT: Sustained.

19 BY MS. CHIEN:

20 Q Can you tell me what No. 2 says? Did I read that
21 correctly?

22 A Yes.

23 Q Was it a big change when the ICE standard stated the pay
24 could be at least a dollar per day?

25 A Yes, that's why this memo was completed. It requested to

1 have a memo sent for any significant changes that applied to
2 my work areas which were classification and the voluntary
3 work program, that was one that stood out as significant.

4 Q Why were you interested in telling the facility leadership
5 that you could pay more than a dollar a day?

6 A Because more pay would be more of an incentive to entice
7 detainees to work, and it would make the job easier to
8 maintain.

9 Q When you say "the job easier to maintain," do you mean
10 your job as classification officer?

11 A Well, my job and the areas where the detainees worked
12 because there was really high turnover. In a lot of the
13 outside-of-the-unit details because of the amount of time and
14 effort that is required for the jobs.

15 Q You thought -- you would have liked detainee workers to be
16 paid more so there would be less turnover, is that what I am
17 understanding?

18 A To be paid more if it is something that is warranted,
19 absolutely.

20 Q Did GEO change the pay rate based on the ICE change to at
21 least one dollar a day?

22 A No.

23 Q When you left, what were detainee workers paid?

24 A The majority were paid a dollar per day. There were some
25 exceptions where they had more than one job and they were

1 paid two dollars a day.

2 Q Even though the ICE detention standards allowed GEO to pay
3 more than a dollar per day, the general rule was to pay a
4 dollar per day?

5 A Correct.

6 Q You testified earlier that kitchen workers were sometimes
7 paid five dollars per day?

8 A Correct.

9 Q When you left, they were paid five dollars per day if they
10 worked multiple shifts?

11 A No.

12 Q Why did GEO pay detainee workers a dollar per day after
13 paying them five dollars per day?

14 A Because they had more detainees in the facility. They had
15 more options of workers.

16 Q What was the reason why GEO paid five dollars per day for
17 kitchen workers?

18 A There were various different reasons. It could be there
19 were times when units were locked down for different reasons
20 like chicken pox, so half the facility could not come out of
21 the living units to work. So we didn't have enough workers
22 to work. They wanted to incentivize it so we could still
23 maintain that area.

24 Q When moments like the chicken pox or other sort of moments
25 of crisis finished, how much did GEO pay detainee workers?

1 A Back to a dollar per day.

2 Q Why didn't they keep paying them five dollars per day?

3 A Because they didn't need them anymore. The work was able
4 to be maintained with more workers. There was no longer the
5 crisis.

6 MS. CHIEN: No further questions.

7 THE COURT: I assume I should call on Mr. Whitehead
8 next.

9 MR. WHITEHEAD: I don't have --

10 THE COURT: All right. Who speaks here for the
11 defense? Ms. Mell. Go ahead with any examination you have.

12 MS. MELL: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MS. MELL:

15 Q Ms. Singleton, I have to find where you are on my screen
16 so I can talk to you. I guess I will talk to you up there.
17 My name is Joan Mell. I think you have had an opportunity to
18 meet me before. I represent GEO. I would like to do some
19 follow-up questions on some of the specific documents that
20 you referred.

21 When you started at GEO, you were really there from the
22 inception of the program here in Washington, in the Tacoma
23 Tideflats, correct?

24 A Yes.

25 Q When you started that position that you took on with GEO,

1 you were involved with Mr. McHatton in trying to figure out
2 what documents were needed to run the facility in a safe and
3 secure manner, correct?

4 MS. CHIEN: Objection, outside the scope.

5 THE COURT: Overruled.

6 THE WITNESS: Mr. McHatton didn't work there when it
7 first opened. I had a different supervisor.

8 BY MS. MELL:

9 Q You were there before Bill McHatton?

10 A Correct.

11 Q You were, then, an integral person to bring to the table
12 to help develop the policies for the Northwest ICE Processing
13 Center, then known as the Northwest Detention Center,
14 correct?

15 A No, they were all mirrored directly off ICE standards. I
16 didn't create any of them.

17 Q When you say the documents were all mirrored off ICE
18 standards, is it correct that ICE controlled what kind of
19 content needed to be integrated into the forms and documents
20 used at the facility?

21 A No, the policies mirrored ICE standards. The building of
22 the program itself and the work areas and so forth, that was
23 all determined by administration of GEO. They decided what
24 was needed. If areas were asking for workers once they were
25 setting them up, it went to them. They said yes or no.

1 Whatever they said was allowed is what I did.

2 Q What your supervisor directed you to do was what you did,
3 but you did know that direction was coming from ICE, correct?

4 A No. ICE standards don't dictate what areas, you know, get
5 cleaned or how many workers we have anywhere.

6 Q Well, did ICE standards require a voluntary work program?
7 They did, didn't they?

8 A No, the ICE standards say it is an option. If you do
9 choose to have one, you just have to comply with certain
10 guidelines.

11 Q Okay. So it is your position that ICE had no mandate to
12 operate a voluntary work program; is that your testimony?

13 A Correct.

14 Q You thought that you were just operating a voluntary work
15 program at the Northwest ICE Processing Center because GEO
16 wanted it that way?

17 A Well, yeah, because they needed areas cleaned. The
18 population ultimately did it.

19 Q Well, you understand that, at the facility, there are up
20 to 1500 people sitting there with potentially nothing to do
21 to occupy their time all day long, correct?

22 A Correct.

23 Q So you appreciated the need to have those individuals have
24 opportunities to do something there, correct?

25 A That's -- I didn't have an opinion either way. There is

1 lots of things they can do that didn't involve work.

2 Q All right. But you never wrote a memo to GEO saying, boy,
3 I don't think it is right, they shouldn't be doing, I don't
4 know, painting murals. Didn't they do that?

5 A Yes, some did do painting of murals.

6 Q Painting the mural was something that detainees actually
7 volunteered to do and came up with the idea to do, correct?

8 A I am not sure how that mural painting actually started or
9 who decided they wanted it done.

10 Q It wasn't your idea, right?

11 A No.

12 Q You appreciated the murals because they are pretty
13 beautiful, aren't they?

14 MS. CHIEN: Objection, outside the scope.

15 THE COURT: She may answer.

16 THE WITNESS: Didn't affect me either way. It wasn't
17 my taste. Just something on the wall.

18 BY MS. MELL:

19 Q There was a lot of diversity in the taste of the murals in
20 the facility, correct? You had to go down the gray hall or
21 the Gray Mile where all the murals were to enter your
22 classification location, correct?

23 A Correct.

24 Q Did you ever interface with any of the detainees who
25 indicated to you they appreciated the opportunity to be

1 creative and artistic during the course of their stay there?

2 A No, nobody has ever told me that.

3 Q You didn't, in fact, have any conversations with any
4 detainees as to whether or not they would prefer doing the
5 murals versus helping in the kitchen versus being out in the
6 rec yard, correct?

7 A Yeah, they would communicate that to me sometimes if they
8 saw me in the halls.

9 Q Their communications to you oftentimes included the need
10 to do work, right?

11 A No, not necessarily. They said they wanted something to
12 do.

13 Q They did want something to do, right?

14 A Yeah, they asked about schooling. They asked about a lot
15 of various different things.

16 Q But schooling isn't something that was designated by ICE
17 in the PBNDS standards as an activity for the voluntary work
18 program, correct?

19 A There is a standard from ICE regarding it. It is not in
20 my area so I don't know what it entailed.

21 Q Your area was the voluntary work program, correct?

22 A Correct.

23 Q It was called a voluntary work program, correct?

24 A Correct.

25 Q You needed to find them work to do to keep them busy,

1 correct?

2 A Not necessarily because if they don't want to work, then
3 we just have to figure it out. There have been times where
4 they don't work.

5 Q Right, and GEO figures it out. They can't not provide
6 food, they can't not maintain an unclean, unsatisfactory
7 sanitary facility, correct?

8 A Correct.

9 Q Part of the point of the jobs that were selected was to
10 make sure that they had something to do and there is only so
11 many activities to do on the detention secure side of the
12 facility, correct?

13 A That is not necessarily.

14 Q Okay. So "not necessarily" means that they can come and
15 go? They can pick and chose to do whatever they want to do?

16 A They can request the job, they can refuse the job. They
17 can send a request five minutes later for the same job and
18 get reassigned to the same job. There was no accountability
19 for them if they worked or didn't work. They worked if they
20 wanted to. I had more requests for more recreation time, you
21 know, than wanting to work, per se. They just wanted to be
22 outside playing soccer.

23 Q Okay. Being outside playing soccer at the Northwest ICE
24 Processing Center, or Northwest Detention Center, whatever
25 your name of choice is, meant that they were behind barb

1 wire, behind a secure fence line and they weren't free to
2 come and go of their choosing. At least leaving the
3 facility. They could come and go from their activity but
4 couldn't leave the grounds, correct?

5 A That's ICE's determination, not ours.

6 Q They have to stay in the confines of the secure site. So
7 that meant they weren't out mowing the lawn, right?

8 A They weren't, but they could have.

9 Q Did you ever suggest that they should be outside mowing
10 the lawn?

11 A I don't suggest jobs that somebody would request it. I
12 would have went through the proper channels.

13 Q Okay. So your impression was that there was no limit to
14 what the detainees could seek out to do there. If they
15 wanted to do a particular activity, that was what the
16 voluntary work program was designed to do, give them
17 something to do?

18 A Not necessarily because it is based on where a need is.

19 Q Well, isn't there a need to balance, you know, doing
20 meaningless tasks versus doing something that makes a
21 contribution? GEO wasn't there and you weren't there sitting
22 there trying to come up with things that were make-work, just
23 have them do something to keep them busy but that was
24 meaningless, right?

25 A If that's their form of entertainment or what keeps them

1 occupied, that's their ultimate choice.

2 Q Okay. So is it your testimony that you made an effort to
3 allow the detainees to pick activities to do whether or not
4 they were useful?

5 A I didn't determine whether they were useful or not useful.
6 I didn't create the program. I just followed the direction
7 of what they said they wanted workers assigned to do.

8 Q When you say "they wanted workers assigned to do," are you
9 talking about a conversation that occurred with ICE and the
10 administration?

11 A No, I never had a conversation with ICE whatsoever in my
12 entire career there about the worker program.

13 Q You have not?

14 A No.

15 Q Can we take a look at Exhibit 69? That should be the
16 meeting minutes that were just admitted and that you were
17 talking about. Looking at Exhibit 69, item No. 4 directly
18 calls you out. "Ms. Singleton is working closely with ICE to
19 revise our classification system." The classification system
20 was needing revision so that you could address changes to the
21 PBNDs where there was a need to allow -- they changed the
22 standard so that the highly secured, or the folks inside that
23 were wearing the right uniforms, could --

24 MS. CHIEN: Objection. Attorney is testifying.

25 THE COURT: The question got too long, Ms. Mell. Do

1 you want to rephrase it?

2 MS. MELL: It was too long. I will start over.

3 BY MS. MELL:

4 Q All right. The classification changes that you were
5 working directly with ICE on, were related in part to what
6 activities the detainees could engage in?

7 A No, the classification refers to custody levels and the
8 information that were affected by some of the changes we had
9 to receive from them.

10 Q The custody levels directly affects what kind of
11 activities they can engage in inside the facility, correct?

12 A Yes, Level 3, per their standard, cannot work outside the
13 living unit.

14 Q When you were directed to and were working with ICE on
15 classifications systems, that included how those individuals
16 were rated affecting where they worked?

17 A No, the work program had zero to do with those
18 conversations. It was literally about information we would
19 need from them in order to accomplish the requirements of
20 their new standards. It had nothing to do with work. The
21 work part was internal. If they said Level 3s couldn't work
22 outside the unit, if somebody ended up ultimately being
23 classified as high-custody Level 3, they just didn't work
24 outside the unit.

25 Q Do you remember talking to ICE at this stage?

1 A About Level 3s working outside the unit?

2 Q Right.

3 A No, the standards set it.

4 Q Okay.

5 A That was part of the voluntary work program standard, not
6 classification standard. It is a totally different standard.

7 Q You don't get to the high level but for the classification
8 system, correct?

9 A The scoring, yeah, based on information provided by ICE,
10 it states their custody level. I never had any questions
11 about that part so it wasn't necessary to have a
12 conversation.

13 Q Okay. So do you remember where these meeting minutes
14 referenced revisions to the classification system? It was
15 because of the ICE standards, right?

16 A The ICE standards changed the required scoring for certain
17 activities. So the conversation of how do we get that
18 information so we can assure they are scored correctly.

19 Q When you say that you never talked to anyone in ICE
20 directly, you did talk to ICE on site when you talked to ICE,
21 correct?

22 A Yeah, talked to them on site whenever they were there.

23 Q Your location at the Northwest Detention Center was
24 inside, in the secure side, in the middle of the building,
25 correct?

1 A My office was in intake, so that is at the end of the
2 building.

3 Q Intake was a location that ICE would walk through and
4 observe and frequent throughout your tenure there?

5 A Correct.

6 Q Okay. So in enter -- if you needed to talk to ICE or
7 interact with ICE, they were there on site available to talk
8 to you, correct?

9 A ICE agents, people that work for ICE. The people that do
10 the policies don't work there though.

11 Q When you say "the policies," you are making a distinction
12 I want to understand. You are saying ICE dictates the
13 policies, but GEO implements that, and that's the difference?

14 A The ICE standards, what they say we are required to comply
15 with, those are, you know, given to us by ICE. We have GEO
16 policy, and GEO policies virtually -- they mirror what ICE
17 requirements are.

18 Q Because everything you do there at the detention center in
19 your role for classification was that you followed ICE
20 standards exactly, correct?

21 A For classification. Then it would be depending on what
22 the specific guideline was and the standard. Some of them
23 said if you had certain programs, then these things apply.
24 If you had certain people coming from certain places, then
25 these things have to apply. Every part of the standard does

1 not always apply to our facility or even every facility.

2 Q That was the purpose of creating local standards was to
3 ensure that the implementation was consistent with federal
4 requirements, but were specific to your facility, correct?

5 A No.

6 Q What am I missing?

7 A So the local policies are just GEO policies. The company
8 has to have policies for whatever reasons, and they just, in
9 essence, say the exact same thing per the foundation, the
10 basic standard. It doesn't give specifics as to what you are
11 required to do in every single standard. The voluntary work
12 program says if you have one, you know, these things must
13 occur, or they can't work without a voluntary work agreement,
14 for example. The voluntary work program standard does not
15 say that we have to have a voluntary work program standard.
16 They say if we do, this is supposed to be the intent of it.

17 Q The ICE standard contemplates having an agreement in
18 writing about the voluntary work program, doesn't it?

19 A It says they have to have one, a voluntary work agreement.

20 Q So that is what GEO then did, they implemented a voluntary
21 work program agreement, correct?

22 A They opted to have a voluntary work program, so they had a
23 voluntary work program agreement.

24 Q A voluntary work program agreement is not an employment
25 agreement. You didn't sign one when you were hired on, did

1 you?

2 MS. CHIEN: Objection, she's not going to know.

3 THE COURT: That's two questions.

4 BY MS. MELL:

5 Q All right. A voluntary work program agreement is not a
6 GEO offer of employment for an employee, is it?

7 MS. CHIEN: Objection. Her opinion -- she's not
8 going to know the answer to that. That is a personal
9 opinion.

10 THE COURT: I think she may answer it.

11 THE WITNESS: Can you repeat the question?

12 BY MS. MELL:

13 Q A voluntary work program agreement is not an agreement you
14 sign as an employee, is it?

15 A Myself?

16 Q Sure. If that's your knowledge.

17 A I mean, I am pretty sure I signed a form of one.

18 Q Did you sign a voluntary work program agreement when you
19 worked for GEO every?

20 A Not the one in the ICE standards.

21 Q So the ICE standard voluntary work program agreement is
22 specific to the ICE standards applicable to detainees,
23 correct?

24 A Yes.

25 Q Okay. So when you say that GEO, then, prepared

1 mirror-image policies to what ICE required, you said that GEO
2 did that work and ICE was not involved. Is that your
3 testimony?

4 A ICE was not involved in the creation of what?

5 Q GEO's mirror-image standards that adopt the ICE standards.

6 A I don't know. I am not part of that process. I just have
7 the standards in my area.

8 Q Okay. That's what I wanted to clarify. So when the --
9 when you looked at the -- strike that.

10 Let me ask it this way. I think we have those in
11 evidence already. Let me see if I can get up the ICE
12 detention standards. It will be a minute, but let me ask the
13 question here. Did you keep the ICE -- strike that.

14 Did you keep GEO's voluntary work program standard or
15 the detainee handbook created by GEO in your work area for
16 your reference?

17 A Not for my reference per se. We have it in our area
18 because we have all the policies.

19 Q Are the policies in your area that you relied on signed by
20 ICE?

21 A Depends on what you are talking about specifically.

22 Q Okay. Let's take the GEO detainee handbook. Does ICE
23 sign the GEO detainee handbook?

24 A I don't know, I don't deal with the detainee handbook.

25 Q You never looked at or relied upon the GEO detainee

1 handbook?

2 A No.

3 Q With regard to the voluntary work program, did you have
4 the GEO voluntary work program standard?

5 A Yeah, it was in our area.

6 Q And on the very last page, who signed that?

7 A I don't know; I don't recall.

8 Q Give me a moment here. Let me see if I can pull up the
9 appropriate document. Did we get this admitted in this
10 round? Let me just look here. That's the detainee handbook.
11 I need the voluntary work program agreement or policy, GEO
12 voluntary work program policy.

13 MS. CHIEN: I think it is Exhibit 2, if that helps.

14 BY MS. MELL:

15 Q So, when you -- let me look here. Just a second. All
16 right. So showing you what has been marked as Exhibit 2.

17 MS. CHIEN: Your Honor? I am not sure if you
18 provided these exhibits to Ms. Singleton. Ms. Mell, I am
19 just flagging that for you.

20 BY MS. MELL:

21 Q Ms. Singleton, do you have an ability to look at Exhibit
22 2?

23 MS. CHIEN: We did not include that in her packet.

24 MS. MELL: Your Honor, I think we need to take a
25 break to address this exhibit.

1 THE COURT: It is about time for lunch. Anyway, we
2 will straighten this out. Where is my list of jurors?

3 MS. CHIEN: Can I just flag -- I think Ms. Singleton
4 has scheduling --

5 THE COURT: No. Here it is. Just a second here.
6 Mr. Monta, we would like to ask you to raise your camera up
7 or down or something so we can see your face.

8 Ms. Burton, I have been a trial judge for a long, long
9 time. I have never had a cat in court before. I just hope
10 the cat is not distracting. I'm sorry. You are muted.
11 There.

12 A JUROR: It is normal around here so it is not
13 distracting.

14 THE COURT: Somebody raised something else?

15 MS. CHIEN: Before we go for break, I want to flag
16 that Ms. Singleton has a hard stop at 1:45. I wanted to make
17 sure that we engage with opposing counsel how much time she
18 has left and sort of dictate when we all come back from
19 lunch.

20 THE COURT: Ms. Mell, can you give us a guess as to
21 additional time?

22 MS. MELL: I suspect it will be at least an hour. I
23 can try to go quickly, but it depends on the witness.

24 THE COURT: All right. Well, we will reconvene at
25 1:00. We are at recess.

1 MS. SCHEFFEY: Before we leave, we need to find out
2 how to get exhibits to Ms. Singleton. She didn't contact us
3 before trial. We want to facilitate that.

4 THE COURT: I'm sorry, Ms. Scheffey, I didn't hear
5 what you said.

6 MS. MELL: Your Honor, we need a moment of the
7 Court's time to address the exhibit issue, once the jurors
8 are excused.

9 THE COURT: Well, I called recess, so the jury is
10 excused. It is up to Tyler to deal with that, I think,
11 first.

12 THE CLERK: The jury has been moved to their breakout
13 room. Let me make sure. Yep, now they are all gone.

14 MS. MELL: What about the witness?

15 THE COURT: What about the witness?

16 MS. SCHEFFEY: We need her.

17 MS. MELL: No, I don't. I don't need the witness to
18 hear this dialogue. It will affect the impeachment. I need
19 to have the witness not in the room right now.

20 MS. CHIEN: Can we discuss how she is going to get
21 her new exhibits, and we can ask Ms. Singleton to leave at
22 that point?

23 MS. MELL: That is fine.

24 MS. SCHEFFEY: I think that makes sense.

25 THE COURT: You are asking me something I don't know

1 anything about.

2 MS. MELL: Ms. Singleton, where are you and do you
3 have email?

4 THE WITNESS: Yes, I have email.

5 MS. MELL: What is your email address?

6 THE WITNESS: It is lili2g@msn.com.

7 MS. MELL: Are you anywhere in the Tacoma area right
8 now?

9 THE WITNESS: Yes.

10 MS. MELL: Would you be able to come to my --

11 THE WITNESS: Not Tacoma.

12 MS. MELL: Can you come to my office over the break
13 where I can provide you all of the exhibits?

14 THE WITNESS: No. I am way up in Bonney Lake by
15 Buckley. It would take me longer than that to go and be
16 back.

17 MR. WHITEHEAD: This is Mr. Whitehead. I believe the
18 pretrial orders, both the initial, supplemental, the Zoom
19 trial order allows this proceeding to go forward. They all
20 contemplate impeachment exhibits being shown via the document
21 share feature on Zoom. Would that be appropriate here? I
22 believe so.

23 MS. SCHEFFEY: Mr. Whitehead, our concern is just do
24 we show it right away to the jury without having shown it to
25 the witness. We did try to reach her before and we didn't

1 get those to her because she didn't call us back about where
2 we could send anything.

3 MR. WHITEHEAD: She doesn't have an obligation to
4 call you back. I would say if you want to try and lay the
5 foundation for the document such that, if you are going to
6 publish to the jury, maybe we can do that out of view of the
7 jury in a separate breakout room.

8 THE COURT: Well, if we have to excuse the jury as we
9 have done here now, we can excuse the jury to do stuff that
10 needs to be done just like we do in a courtroom. I am afraid
11 I don't understand what it is you are trying to do or you
12 want me to do.

13 MS. MELL: Your Honor, just for the record, the
14 problem is here in court, if we were in court, we wouldn't
15 have to send the jury out because I would hand the witness
16 the exhibit and the witness would be looking at the exhibit
17 and the jury would not. What Zoom limits us in doing is
18 sharing a document with the witness only when we are all in
19 the same room. That delays things and slows things down when
20 we have to show a witness an exhibit that the witness does
21 not have.

22 THE COURT: I don't know why we can't excuse the
23 jury, put them in a breakout room and do what has to be done
24 outside the jury's presence.

25 MS. MELL: I am fine with that. I am not going to

1 object to doing it that way. I just don't like the
2 technology delay, but that's fine.

3 Let me look and see. I think it is a stipulated exhibit
4 anyway. I don't know why we are arguing about it. I think
5 it can come in. I have separate issues with the form it is
6 in right now that I need to address to the Court.

7 THE COURT: You have what now? What else?

8 MS. MELL: I need to address the form of the exhibit
9 issue outside the presence of the witness.

10 MS. CHIEN: Just so I understand, you are okay with
11 emailing the documents to Ms. Singleton. Does that make it
12 possible for Ms. Singleton to leave at this moment?

13 Ms. Mell?

14 MS. MELL: Yes. We will attempt to do that. I need
15 to confirm something. Ms. Singleton, you will have to
16 respond to the email and confirm that you are receiving them.

17 THE WITNESS: Ms. Chien doesn't have these exhibits?

18 MS. MELL: She does have those exhibits.

19 THE WITNESS: Is there a reason she can't provide it
20 to me?

21 MS. MELL: No, if she's willing to provide you the
22 exhibits, that would be great.

23 MS. CHIEN: Sure. I can do that. Tell me which
24 exhibits.

25 MS. MELL: I think she should have all of the

1 exhibits made available to her. I am going to go from
2 whatever I need, I'll be using PBNDS standard; I'll be using
3 the detainee handbook, the GEO one and federal one; I'll be
4 using the policy.

5 THE COURT: Wait, wait a minute. This is all
6 pretrial stuff. I am going to leave it to you to try and
7 solve over the noon hour. We are cutting into what already
8 is a short noon hour of only an hour. This is not the only
9 thing that I am dealing with work-wise. I have -- I need to
10 have time to do stuff, as you do. So we will reconvene at
11 1:00.

12 (Recessed.)

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25 AFTERNOON SESSION

JUNE 2, 2021

(The following occurred outside the presence of the jury.)

THE COURT: Somebody had a question you wanted to raise?

MS. MELL: Your Honor, I don't think I need to raise the question. The thing we should verify amongst counsel is that Exhibit A-275, Page 1 of 9, is not contested, but it is stipulated to.

MS. CHIEN: No. Sorry. What are you asking again?

MS. MELL: Having had the opportunity to see that I just added the signature page to Plaintiff's Exhibit -- stipulated Exhibit 2, do you have any objections to stipulating to the admissibility of what now has been marked as Defense Exhibit A-275?

MS. CHIEN: Yes, we do have objections to this document. It looks like the signature page was just added, and it is a bit confusing. The Bates stamped numbers obviously don't continue. I don't know if we have seen this document because it is not Bates stamped, so I can't verify the authenticity of this.

MS. MELL: Okay.

THE COURT: Are we ready to go? Is the witness here?

THE CLERK: She is in the waiting room. Do you want me to admit her?

THE COURT: Yes, get the witness back and jury,

1 please.

2 MS. CHIEN: One last thing. The witness has to take
3 her son to the doctor at 1:45. I want to flag that for the
4 Court in case we need to call her back on a different day to
5 finish her testimony.

6 THE COURT: I am waiting for a response.

7 MS. MELL: I need to be able to continue with this
8 examination and not lose my momentum or train of thought. We
9 have to just finish her. It is not like -- it is not that I
10 would anticipate bringing her back and wanting to redo and
11 get her to the same place so I could complete it in a short
12 period of time. That would be disruptive and confusing for
13 me and the jury.

14 THE COURT: All right. Ms. Singleton, I understand
15 you have an issue regarding a doctor appointment or
16 something. Will you tell me about that? I have to decide
17 what to do.

18 THE WITNESS: Yes, my son got hurt in football
19 practice yesterday and has a hyperextended knee. He had to
20 go to the ER. He has a follow-up today to see if he has to
21 get an MRI.

22 THE COURT: You were going to take him to the doctor
23 at 1:45, is that what I understand?

24 THE WITNESS: His appointment is at 2:00. That's the
25 latest I can leave to get him there on time.

1 THE COURT: Ms. Mell, any response or question?

2 MS. MELL: Your Honor, it would be my recommendation,
3 if she's on that tight and that short of a schedule --
4 obviously, I appreciate the need to take care of a kid's
5 medical needs -- that she be dismissed now and recalled later
6 so I can have some consistency with my examination.

7 THE COURT: Makes sense to me. Ms. Singleton, we
8 will let you go but ask you to be available to come back when
9 counsel tells you to to finish your testimony. Okay?

10 THE WITNESS: Yes, sir.

11 THE COURT: All right. Do you have another witness
12 ready to go?

13 MS. CHIEN: Yes, the State would like to call
14 Bill McHatton.

15 THE COURT: All right. You can bring the jury in.

16 THE CLERK: The jury is returning.

17 (The following occurred in the presence of the jury.)

18 THE COURT: All the jury is present. We are going to
19 interrupt Ms. Singleton's testimony, folks. She has a family
20 situation that she has to take care of this afternoon
21 involving an injury to her son. She'll come back later in
22 the trial to finish her testimony.

23 This is something that we do as required by witnesses or
24 whatever. It is not uncommon to interrupt a witness's
25 testimony, and you should draw no inferences from doing that.

1 We will have her back later to finish her testimony.

2 Ms. Chien, you may call your next witness.

3 MS. CHIEN: State of Washington would like to call
4 Mr. McHatton.

5 MS. MELL: Your Honor, we are taking a moment to
6 locate and get Mr. McHatton into the online Zoom trial. He
7 was not the anticipated witness. As you know, that was a
8 last-minute change. We are working on it. He should be here
9 momentarily.

10 THE COURT: Mr. McHatton, if you would raise your
11 right hand and be sworn.

12 WILLIAM McHATTON,
13 having been sworn under oath, testified as follows:

14 THE COURT: Thank you. You may inquire, counsel.

15 DIRECT EXAMINATION

16 BY MS. CHIEN:

17 Q Can you please state your name?

18 A William A. McHatton.

19 Q Do you work?

20 A I am now retired.

21 Q Where did you work prior to retirement?

22 A I retired from the GEO Group at the Northwest Immigration
23 Processing Center.

24 Q Is GEO a for-profit, private company?

25 A Yes, it is.

1 Q How long did you work for GEO?

2 A I worked for GEO from February 2004 through August 2018.

3 Q When you first started at GEO, what was your job?

4 A I was the facility's first compliance manager.

5 Q When you retired, what was your job at GEO?

6 A I was the -- title was associate warden of security.

7 Q When you worked for GEO, where were you located?

8 A At the facility, which is located in Tacoma, Washington.

9 Q Is the facility called the Northwest Detention Center?

10 A Back in those days that I was employed there, that's what
11 it was known as, yes.

12 Q You worked at the Northwest Detention Center until your
13 retirement?

14 A I did.

15 Q Who is detained at the Northwest Detention Center?

16 A People who were detained by Immigration Customs
17 Enforcement.

18 Q The reason for the detention is not criminal; is that your
19 understanding?

20 A Correct, it is not criminal.

21 Q Thank you. Are both men and women detained at the
22 Northwest Detention Center?

23 A When I was employed there, the answer is yes.

24 Q Did the number of detainees change during your time with
25 GEO?

1 A Yes.

2 Q How did it change?

3 A The original immigration detention facility was in
4 Seattle. This facility, Tacoma, opened, like I said,
5 actually, in April was the initiation date, of 2004. On the
6 date that it was declared to be opened by Immigration, I
7 believe we brought down somewhere between 250 and 300
8 detainees from that facility that was on Airport Way in
9 Seattle.

10 Q In 2004, 2005, there was about 250 detainees; is that
11 right?

12 A That sounds correct.

13 Q At the time of your retirement, how many people could be
14 detained at the Northwest Detention Center at any time?

15 A 1,575.

16 Q Let's talk about the physical facility at the Northwest
17 Detention Center. Given your 15 years at the Northwest
18 Detention Center and as the assistant warden, are you
19 familiar with the physical facility?

20 A I would say that I am.

21 Q I am going to show you Exhibit 131. I am going to ask you
22 to look at Exhibit 131. It should be in your packet I mailed
23 to you.

24 A I see two --

25 Q It should be in the envelope.

1 A Okay. Thank you. Excuse me. You are asking me now to
2 look at what, please?

3 Q Exhibit 131.

4 A Okay.

5 Q Do you have it?

6 A That which says "Welcome Book ACA Audit 2017."

7 Q Yes. Do you recognize that?

8 A Barely. I guess I do, though. It has been awhile.

9 Q You worked on these -- do you know what the ACA audit is?

10 A The American Corrections Association audited the facility,
11 I believe, every three years.

12 Q What was this welcome book for?

13 A It was to give a basic introduction of the facility to the
14 auditors from ACA.

15 Q Did you work on this welcome book along with your
16 assistant?

17 A I probably participated in its development and approval
18 for presentation.

19 Q Okay. I am going to ask you to turn to Page 7 of Exhibit
20 131.

21 A Okay.

22 THE COURT: Are you talking about page numbers on the
23 document or Bates numbers?

24 MS. CHIEN: Page 7 on the PDF, but Bates stamped
25 242554.

1 THE WITNESS: The facility layout is what you are
2 referring to, I believe.

3 BY MS. CHIEN:

4 Q Yes. Is this a fair and accurate depiction of the floor
5 plan of the Northwest Detention Center, to your knowledge?

6 A Yes.

7 MS. CHIEN: I would like to move Exhibit 131-A, which
8 is just Page 7, to admit Exhibit 131-A.

9 MS. MELL: Your Honor, GEO has no objection. It does
10 contain confidential, secure information.

11 THE COURT: We don't have a 131-A marked for
12 identification. We have 131.

13 MS. CHIEN: Our proposal would be to take out -- just
14 have Page 7 serve as Exhibit 131-A.

15 THE COURT: Is there any objection to that?

16 MS. MELL: Yes, in terms of losing the context of
17 what it was prepared for. It does need to reference the ACA
18 standards. We would propose it remain the exhibit and not --
19 that one particular page just needs to be limited to the
20 jurors' eyes only. That is ER 106, Your Honor.

21 THE COURT: I'm sorry?

22 MS. MELL: The evidence rule is 106 pertaining to
23 complete documents.

24 MS. CHIEN: We have no objection to including the
25 entire exhibit, if that's the preference. We are trying to

1 streamline the number of pages.

2 THE COURT: Well, if you are offering the full
3 exhibit, I am inclined to admit it.

4 MS. CHIEN: Okay.

5 THE COURT: All right. 131 may be admitted.

6 (Exhibit 131 was admitted.)

7 Q Taking a look at 131, I would like to ask you, when
8 detainees first arrive at the Northwest Detention Center,
9 where within the facility did they go first?

10 A The reception area. How do I point that out?

11 Q I can show you, is it labeled as "intake"?

12 A Yes, it would be. Yes.

13 Q Is it the area I just highlighted?

14 A That would be intake. Outside to your right of that is a
15 sally port. The detainee bus would come in there and they
16 would be escorted off the bus into the intake section.

17 Q What happens in the intake area?

18 A They are allowed to shower and change out of their
19 clothing that they came into the facility in and placed into
20 a uniform of the facility based upon their classification
21 level, and then given an orientation to the facility, fed a
22 meal, and then escorted to the appropriate dormitory.

23 Q Thank you. I am going to break those down. I appreciate
24 the complete answer. You mentioned they were classified.
25 What does it mean to be classified?

1 A An individual at the Northwest -- I am going to call it
2 the detention center rather than ICE processing center, if
3 that's okay, because it is short.

4 Q Yes, that's fine.

5 A They are classified in accordance with their criminal
6 history. A person with a simplistic, if you will, or basic
7 criminal history would be at a low level. An individual who
8 was a felon coming from the -- one of the state department of
9 corrections, meaning Oregon, Washington, Alaska, Utah, coming
10 out of prison, they would be at the highest level of custody
11 which would be they would then be given a red uniform. The
12 basic would be given a blue. Depending upon, again, minimal
13 criminal history but confinement would be medium, and I
14 believe that uniform level was -- I don't remember.

15 Q Let me start, you mentioned people are coming from other
16 prisons. So some of the detainees are coming because they
17 have completed their criminal sentence under state
18 jurisdictions elsewhere; is that right?

19 A That's correct.

20 Q Some people you mentioned have quote/unquote "basic
21 criminal history"?

22 A They have had contact with law enforcement, otherwise they
23 would not be detained.

24 Q Some people might -- the -- when you say "contact with law
25 enforcement," are there people that have no criminal

1 convictions that are detained at the detention center?

2 A The low level of custody may not have had a conviction.

3 Q They might not have a criminal history?

4 A I am retired from the State of Washington Department of
5 Corrections. Criminal history has a specific definition to
6 me. Assuming that is what you are referring to, they may not
7 have a criminal history per se.

8 Q What information -- you mentioned that detainees are given
9 an orientation in the intake area. Are they given a detainee
10 handbook?

11 A Yes, they are given two detainee handbooks, at least, of
12 the material that is in written form and given to them, a
13 federal ICE handbook as well as one that was created by GEO.

14 Q I am going to show you Exhibit 123, or ask you to look at
15 Exhibit 123. I think this is stipulated.

16 A That particular handbook is the GEO handbook.

17 MS. CHIEN: I would like to move to admit Exhibit
18 123.

19 MS. MELL: No objection.

20 THE COURT: State your objection.

21 MS. MELL: GEO has no objection, Your Honor.

22 THE COURT: All right. Exhibit 123 may be admitted.

23 (Exhibit 123 was admitted.)

24 Q This is the GEO detainee handbook that is given to
25 detainees?

1 A All detainees entering the facility are provided with this
2 handbook.

3 Q Let's turn to Page 15. Does this provide an introduction
4 to the detainee work program?

5 A Yes, it does.

6 Q All right. Sticking with what happens at intake, you
7 mentioned that detainees are given a uniform. Who washes
8 those uniforms? Where are the uniforms coming from or the
9 bed linens? Which department within GEO is providing those
10 uniforms?

11 A Who is providing the uniforms would be the business
12 department.

13 Q Who washes and cleans those uniforms?

14 A They would be done in the laundry.

15 Q I would like to turn back to Exhibit 131, Page 7. I am
16 going to highlight where I think the laundry is. I would
17 like you to confirm whether that is where the laundry is
18 located?

19 A That is correct.

20 Q Did detainee workers work in the laundry facility?

21 A Detainees work in the detainee laundry, yes.

22 Q I am going to show you Exhibit 244 and ask whether or not
23 you recognize what this photo is taken of. You might have to
24 look at it in the documents that you have.

25 A I'm sorry, you are saying I have it here?

1 Q Is there anyone in the room with you? I see you are
2 talking to somebody. I want to make sure --

3 A There is no --

4 MS. MELL: There is nobody in the room. Her
5 observation is incorrect.

6 MS. CHIEN: Okay. Just asking.

7 THE COURT: It is an appropriate question.

8 THE WITNESS: I don't know how I put this up here for
9 you all.

10 BY MS. CHIEN:

11 Q You don't need to show it. I just want you to see it.

12 A Oh, okay.

13 Q Do you recognize it?

14 A Yes, I do.

15 MS. CHIEN: I would like to move to admit Exhibit
16 244.

17 MS. MELL: No objection.

18 THE COURT: 244 may be admitted.

19 (Exhibit 244 was admitted.)

20 Q Can you tell me what this photo is taken of?

21 A This is a picture of the laundry at the Northwest
22 Detention Center, dryers on the left, washing machines in the
23 rear.

24 Q Is the person in this photo a detainee worker?

25 A Yes, a medium level of custody that I couldn't recall is

1 orange.

2 Q Once -- you mentioned that once they are processed through
3 intake, they are assigned to their housing pod; is that
4 right?

5 A Yes.

6 Q Let's turn back to Exhibit 131, Page 7. I am going to
7 highlight the areas where I think the housing pods are. I am
8 going to ask if those were the living areas where detainees
9 were assigned. You can look at your screen, too, if it is
10 easier.

11 A Okay. There was housing unit A, B, C, D, and F, and G. F
12 was the lower level of that building where you see F and G.
13 G was the upper level, second story.

14 Q You anticipated my next question. I was going to ask you
15 what the C numbers were, and that identifies the housing
16 pods; is that right?

17 A Yes, C-1 is a combined cell and dormitory environment,
18 where C-2 and C-3 are dormitory style.

19 Q Thank you. How many housing pods are there at the
20 Northwest Detention Center?

21 A If you are referring to A as a pod and B as a pod, so
22 there would be A, B, C, D, F and G. What is that, six?

23 Q I think you are right, six. Approximately how many people
24 can be assigned to live in each pod?

25 A Again, that depends on the nature of the pod. A-1, B-1,

1 C-1, D-1 are combination cell and dormitory. 2 and 3, A-2/3,
2 B-2/3 and C-3 -- C-2 and 3 and D-2 are dormitory style. D-3
3 was a segregation unit when I left. So that would not be a
4 normal, regular housing unit.

5 Q A range. I understand there might be different sizes of
6 the pod. The smallest pod held how many detainees and the
7 largest pod held how many detainees, approximately?

8 A Okay. Good. A-1, B-1, C-1, D-1 housed 115. The A-2, A-3
9 likewise 80. And the G-1 was a 64, G-2, 64. G-3 and G-4,
10 75. Ditto for the F units would be the same.

11 Q Somewhere between 60 and 115; is that right?

12 A 64 to 115, correct, except for the women. I guess I
13 should clarify, in D-1 that was -- more restroom facilities
14 were required so the max housing in D-1 was 103.

15 Q You are good at anticipating my next question, which is,
16 does each pod have their own set of toilets and showers?

17 A Yes.

18 Q I am going to show you Exhibit 329. I want you to look at
19 it. Sorry. I want you to look at it in your folder and tell
20 me if you recognize it, and I will move to admit it if you
21 recognize it.

22 A 329, I do recognize it. It would be -- it would appear to
23 be a dormitory style in either the F or G units.

24 MS. CHIEN: I would like to move to admit Exhibit
25 329.

1 MS. MELL: GEO has no objection.

2 THE COURT: 329 may be admitted.

3 (Exhibit 329 was admitted.)

4 Q This is one of the F or G pods. Is this one of the male
5 housing pods?

6 A Yes, it is.

7 Q I am going to show you Exhibit 522 and ask if you
8 recognize this photo.

9 A Okay.

10 Q Do you recognize this photo?

11 A It is one of the shower units -- or it specifically is a
12 shower area.

13 MS. CHIEN: I would like to move to admit Exhibit
14 522.

15 MS. MELL: GEO has no objection, Your Honor.

16 THE COURT: 522 may be admitted.

17 (Exhibit 522 was admitted.)

18 Q You mentioned the showers. Is this where the 60 to 115
19 detainees might shower? I will ask my question again. Are
20 these the showers where the detainees, the 60 to 115
21 detainees, would shower?

22 A Yes.

23 Q These are shared; is that right?

24 A Yes.

25 Q I am going to show you Exhibit 297 and ask if you

1 recognize that photo.

2 A Yes, I recognize this.

3 MS. CHIEN: Can I move to admit Exhibit 297?

4 MS. MELL: GEO has no objection, Your Honor.

5 THE COURT: 297 may be admitted.

6 (Exhibit 297 was admitted.)

7 Q Can you tell me what this is of?

8 A This is a shower area in the -- I believe this is in A, B,
9 C -- A, B or C. Where the other one probably was in F or G.
10 Shower area with, it appears to be, detainees cleaning the
11 shower area.

12 Q I am going to show you Exhibit 521 and ask if you
13 recognize that photo.

14 A I recognize this.

15 MS. CHIEN: Move to admit Exhibit 521.

16 MS. MELL: GEO has no objection.

17 THE COURT: 521 may it be admitted.

18 (Exhibit 521 was admitted.)

19 Q Can you tell me what this photo is of?

20 A This is close to the shower area. I would say, in all
21 likelihood, this is the F and G unit, handwashing and commode
22 area.

23 Q The detainees assigned to the F or G unit all shared the
24 toilets and sinks?

25 A Yes.

1 Q Once they are assigned to a housing pod -- I would like to
2 move on and ask how the meals are provided to detainees?

3 A Would you please repeat that.

4 Q Once detainees are assigned to a housing pod, how are
5 meals provided to detainees?

6 A Detainees are fed their meals in the housing units.

7 Q Is that called satellite feeding?

8 A Yes, it is.

9 Q The meals are prepared -- they are eaten in the living
10 unit. Where is the food that detainees eat prepared, cooked
11 and plated?

12 A In the kitchen.

13 Q Does GEO operate a kitchen on site?

14 A Yes, it does.

15 Q I would like to turn back to Exhibit 131, which we ask to
16 put up on the screen which will be easier for you perhaps.

17 A Okay.

18 Q I am going to highlight where the kitchen is. If you
19 could confirm.

20 A That is correct.

21 Q How many meals were provided per day in that kitchen?

22 A How many meals per day?

23 Q Yes.

24 A Just picking a number of 1500 detainees, if three meals a
25 day plus -- if usual going to -- plus staff have the

1 opportunity to eat that meal also, as well as ICE and the
2 courts and the medical. I would be hard-pressed to tell you
3 how many meals in a given day.

4 Q It could be thousands; is that right?

5 A Well, it certainly is that.

6 Q I am going to show you Exhibit 430 and ask if you
7 recognize that photo. I am going to ask you to go through
8 the envelope and see if you recognize the photo.

9 A It is in this binder that you gave me?

10 Q Yes.

11 A The number is 430. Okay.

12 Q Do you recognize this photo?

13 A I do.

14 MS. CHIEN: I would like to move to admit Exhibit
15 430.

16 MS. MELL: GEO has no objection, Your Honor.

17 THE COURT: 430 may be admitted.

18 (Exhibit 430 was admitted.)

19 Q Can you tell me what this photo was taken of?

20 A In the food service department. It is detainees involved
21 in -- I am not sure if -- what exactly they are doing, but
22 they are in the food service department working.

23 Q When you say "food service department," you mean the
24 kitchen; is that right?

25 A Yes. I will use that term "food service" and "kitchen"

1 simultaneously.

2 Q Yep. That's fine. I just wanted to be clear for the
3 record. I want to look back at Exhibit 131, Page 7. I am
4 going to put it up on the screen so hopefully you don't have
5 to do too much work. We have talked about the kitchen,
6 laundry and intake. I would like to talk about other areas
7 of the facility. I would like to start at the barbershop.
8 Is this where the barbershop is located?

9 A Yes.

10 Q What happens at the barbershop?

11 A It is where detainees make -- get their hair cut.

12 Q Who cuts detainees' hair?

13 A Other detainees.

14 Q I am going to move to the visitation area. What happens
15 in the visitation area?

16 A That is where members of the community, family, friends,
17 may visit detainees.

18 Q I am going to touch base on the law library. What happens
19 at the law library?

20 A Detainees who want to work on their immigration case
21 request access to the law library, and time is allotted to
22 them to do exactly that.

23 Q I am going to ask you to look at the medical area and ask
24 you what happens in the medical area.

25 A All detainee medical needs and services are conducted in

1 the medical area, medical, dental, x-rays that they have the
2 capacity to perform.

3 Q We talked about the living areas. These are the living
4 areas; is that right?

5 A Correct.

6 Q Is that --

7 A Why don't we take out A-3 for my comfort. That is not a
8 living area per se. It is a segregation detention unit.

9 Q Okay. The segregation unit, is that where detainees might
10 be segregated to?

11 A D-3 and H, which is next to G-3 and F-3. It is that
12 building that you see there.

13 Q Can I ask, who cleans the segregation units?

14 A Staff and detainees.

15 Q Detainee workers work to clean the segregation units?

16 A They may.

17 Q What I have highlighted here, is that the secured side of
18 the center, known as the secured side versus the non-secured
19 side of the center?

20 A Everything that you have highlighted would be the secured
21 facility, yes.

22 Q The remaining things that are unhighlighted are the public
23 and administrative sides of the facility?

24 A That would be correct.

25 Q Detainee workers work in all the highlighted areas of the

1 facility; is that right?

2 A I don't believe they work medical.

3 Q I would like -- let's take off -- everything except
4 medical, is that right, in your recollection?

5 A That would be correct.

6 Q Now that we have a general understanding of the facility,
7 I would like to talk about your role at the Northwest
8 Detention Center. Earlier you testified that you were a
9 compliance manager. What were your job responsibilities as
10 the compliance manager?

11 A Primary, initially, was to create the policies and
12 procedures that we operated under, and then as the years and
13 time went by, to maintain those, and then to make sure that
14 all the staff were aware of the policies and procedures, the
15 ICE detention standards, later known as Performance-Based
16 National Detention Standards, which basically we operated
17 under, and to assure that those standards and policies and
18 procedures were followed by conducting audits.

19 Q When you refer to policies and procedures, can you give me
20 some examples of some policies and procedures that you
21 prepared when you were the compliance manager?

22 A There is a long story to that or a short story. We could
23 not open the facility until we had an operational policy and
24 procedure manual. I will condense it from there. That's why
25 I was hired. I did policy and procedure for the State of

1 Washington.

2 Q Let me try and narrow my question so I can help you out.
3 Did you work on the policies and procedures for the detainee
4 worker program?

5 A I created the policies and procedures based upon the
6 Immigration Customs Enforcement Detention Standards, yes.

7 Q When you say "ICE standards," are you referring to the
8 Performance-Based National Detention Standards?

9 A Yes.

10 Q You created GEO's policy in accordance with the ICE
11 standards; is that what I am hearing?

12 A Yes. It is important to understand that GEO could not --
13 I could not create a policy without it being in line with
14 those detention standards and be approved by ICE.

15 Q So I understand, ICE had to approve the policies, you
16 drafted them; is that right?

17 A That is correct.

18 Q I am going to show you Exhibit 2, which I think is
19 stipulated.

20 A You are going to show me or do I open --

21 Q Sorry. Can you open it? Do you recognize this?

22 A Yes, I do.

23 MS. CHIEN: I would like to move to admit Exhibit 2.

24 MS. MELL: Your Honor, GEO objects to Exhibit 2 in
25 its present form. It is missing the signature page. We have

1 re-marked the completed, signed copy as GEO's Exhibit 264 and
2 have that available for the jury. There would be no
3 objection to that admission.

4 MS. CHIEN: Your Honor, GEO stipulated to this. In
5 the exhibit list, you will see GEO has actually stipulated to
6 this exhibit.

7 MS. MELL: This exhibit is the digital version that
8 doesn't include the signature page. The signature page --

9 THE COURT: If they stipulated to it, it should be
10 admitted as it is. Exhibit 2 may be admitted. If an
11 additional page needs to be added to it, somebody can provide
12 the testimony and add it.

13 MS. MELL: Thank you, Your Honor, we'll do that.

14 (Exhibit 2 was admitted.)

15 BY MS. CHIEN:

16 Q We are looking at Exhibit 2. Can you tell me what this
17 is?

18 A This is the 2015 version. It is dated effective date
19 April 13th, 2015. A version of the voluntary work program
20 policy for the facility.

21 Q This is GEO's policy, right? It is on GEO's letterhead?

22 A It would be GEO's policy, correct.

23 Q Again, I am going to ask to turn to Page 1. You look at
24 the first section. What is the purpose of this policy?

25 A It reads, "The purposes of this policy is to set forth the

1 procedures governing the voluntary work program at the
2 Northwest Detention Center."

3 Q Down at Part B where it says "work assignment."

4 A Yes.

5 Q I see listed as the work assignments: kitchen workers,
6 recreation and barber positions, living area workers,
7 janitorial, server and laundry positions, evening janitorial
8 positions and laundry positions; is that right?

9 A That is correct.

10 Q Is the portions that we were highlighting now -- sorry,
11 one second -- is that what we are talking about for the work
12 assignments?

13 A You are solely talking about the work assignment? Yes.

14 Q Looking at Part C of this policy, says "voluntary work
15 program objective." How many work objectives are there?

16 A There are three identified there.

17 Q First objective is stated as, "Physically and mentally
18 able detainees are gainfully employed while contributing to
19 the orderly operation of the facility."

20 Did I read that correctly?

21 A That's what it reads.

22 Q Second objective says, "Essential operations and services
23 improve through productivity of detainees."

24 Did I read that correctly?

25 A You did.

1 Q The third one is, "The inactivity-induced idleness and
2 disciplinary code violations are reduced."

3 Did I read that correctly?

4 A That is correct.

5 Q Referring to the detainee selection section of the policy,
6 does this GEO policy also establish the procedures for
7 detainees to be offered work assignments, at the top of Page
8 3?

9 A It appears to outline the process. (Inaudible)

10 Q If you look at No. 2 on the top of page 3. It says, "The
11 detainees work request will be forwarded to the
12 classification work program supervisor." Do you see that?

13 A Yes.

14 Q Is the classification work supervisor a GEO staff member?

15 A Yes.

16 Q When you were working at GEO, who was the classification
17 officer and supervisor?

18 A I had two individuals in that capacity, Alisha Singleton
19 and Michael Heye.

20 Q Turning to Page 3 of the policy and referring to the
21 discrimination in hiring detainee workers, does the GEO
22 policy require detainees -- does the GEO policy prohibit
23 discrimination in the hiring of detainee workers?

24 A Yes.

25 Q Turning to Page 4 of the policy, Part I, does the GEO

1 policy require detainees to work as scheduled, if you look at
2 the first line?

3 A Yes.

4 Q Turning to Part M of the policy, is it GEO's policy that
5 detainees may be removed from a work detail for cause?

6 A Yes.

7 Q I understand this GEO policy to do at least six things.
8 It identified the work assignments, identified GEO's
9 classification officer's responsibilities, prohibited
10 discrimination in the hiring of detainee workers, required
11 detainee workers to work a schedule, allowed detainee workers
12 to be removed for cause, and required GEO to develop training
13 programs -- sorry -- is that right?

14 A Yes.

15 Q Earlier you testified you were promoted to assistant
16 warden?

17 A Yes.

18 Q When were you promoted to assistant warden?

19 A 2010.

20 Q What were your job responsibilities as the assistant
21 warden?

22 A Oversee the operation of the facility and its staff from a
23 security perspective.

24 Q Did it include oversight of classification staff?

25 A Yes, at that time.

1 Q So it included oversight over the detainee worker program?

2 A I would say yes to that.

3 Q Let's talk about the detainee worker program

4 operationally. From your recollection, what jobs were

5 detainee workers assigned to do as part of the work program?

6 A What jobs did they try to do?

7 Q What jobs were detainee workers assigned to do as part of
8 the work program?

9 A I believe we went over that. Janitorial, if you will,
10 just to put a brand name on something, which would be working
11 in the housing units, wiping down the tables prior to a meal
12 and after the meal. As we saw pictures of, cleaning the
13 restroom areas, sweeping the floor in the housing unit
14 after -- yeah, numerous times a day.

15 Q Sorry.

16 A Working in -- that pretty much takes care of the housing
17 units. The laundry, assisting in the washing and drying of
18 clothes. The clothes were then taken to another housing unit
19 to be folded. Then they were distributed by staff with the
20 assistance of detainees.

21 In the food service department, they would dish up the
22 food. They may participate in the preparation of the meal.
23 They would, under the supervision of staff, use the carts to
24 deliver the meals to their respective housing units. After a
25 meal, they would participate in the kitchen -- dishwashing

1 section of the food service department and clean that up. So
2 it is kitchen, laundry, housing units, and then there was a
3 detail for the hallways.

4 Q Were those referred to as the Gray Mile workers?

5 A Yes.

6 Q Detainee workers also worked in the barbershop,
7 visitation, intake?

8 A Yes.

9 Q As compliance manager, did you develop documents related
10 to the detainee work program?

11 A Yes.

12 Q What documents did you create as part of the detainee work
13 program?

14 A Did you say "as compliance"?

15 Q Yeah.

16 A As compliance, yes, I did. I drafted the initial job
17 descriptions, if you will. I had handed them out to the
18 respective areas for their input and correction as the case
19 may be.

20 Q What was the purpose of these job descriptions?

21 A To predominantly use as an information tool to the
22 detainees in the housing units to let them know should they
23 chose to participate in the voluntary work program what they
24 might be doing in a given area.

25 Q Would you consider it sort of like a training document?

1 A Very basic training, yeah.

2 Q I am going to show you Exhibit 83.

3 A Is that in the book again?

4 Q Yes, in the book again. Sorry. I am going to ask if you
5 recognize Exhibit 83.

6 A Yes, I do recognize that.

7 MS. CHIEN: I would like to move to admit Exhibit 83,
8 which I think is stipulated.

9 MS. MELL: GEO has no objection.

10 THE COURT: 83 may be admitted.

11 (Exhibit 83 was admitted.)

12 Q Can you tell me what this is?

13 A This is entitled "Detainee Job Descriptions," specifically
14 job title "cook, prep or server in the food service
15 department/kitchen."

16 Q It identifies the job title, which I think you flagged.
17 It also identifies their work schedule, is that right, under
18 normal work hours?

19 A Excuse me, basic breakfast, lunch or dinner, yes.

20 Q It also indicated what the requirements were for working
21 as a cook prep supervisor in the "special requirements"
22 section?

23 A Specific work duties, special requirements, training
24 requirements.

25 Q It lists the training requirements as well. You can also

1 look at the screen. We will highlight it for you.

2 A Okay. Thank you.

3 Q Were detainees -- I see a line for signature. Were
4 detainees required to sign this job description?

5 A If they wanted to work in the kitchen under any one of
6 those activities, they would be required to acknowledge that
7 they had been served with this document and they would be
8 required to sign it to participate, yes, for their safety and
9 understanding.

10 Q So their signature would indicate they understood what the
11 specific work duties were?

12 A Yes.

13 Q Let's take a look at the specific work duties. I read
14 that some of the specific work duties are that they follow
15 all recipe cards completely with no deviation without prior
16 approval, that there is preparation of all food products,
17 slicing meats and canning goods --

18 MS. MELL: Your Honor, this is improper examination.
19 She's reading the document that has been admitted.

20 MS. CHIEN: I plan to ask if I read it correctly.

21 MS. MELL: The document speaks for itself.

22 THE COURT: The document does speak for itself. If
23 you have questions about it, you can ask them.

24 BY MS. CHIEN:

25 Q Was one of the specific work duties to clean all ovens,

1 stoves, grills and kettles?

2 A Yes.

3 Q Was one of the job duties to do anything the food service
4 supervisor may ask you to do?

5 A Yes.

6 Q Is the food service supervisor a GEO staffer?

7 A Yes.

8 Q Finally, the job description listed five reasons the
9 detainee worker could be terminated; is that right?

10 A Yes, there are reasons for termination there.

11 Q You mentioned -- I think you testified that you drafted
12 this job description and then handed it over to the
13 department heads for their review; is that right?

14 A Yes.

15 Q So who helped you draft this job description?

16 A I believe that I requested and received documents from the
17 Department of Corrections and Bureau of Prisons.

18 Q Sorry. I think you -- let me go back. I think you
19 testified that you drafted job descriptions, and then you
20 would hand them out to the various departments to
21 double-check the contents of the job description; is that
22 right?

23 A Yes.

24 Q Who was the head of the kitchen department?

25 A When I left? Bert.

1 Q Bert Henderson?

2 A Bert Henderson. Forgive me. Thank you.

3 Q Did Bert Henderson look at this job description and help
4 you draft this job description?

5 A Yes, I think that is a safe thing to affirm. I don't know
6 that Bert was the food service manager originally when this
7 document was created, but certainly it is not in concrete and
8 it can be amended. That was last updated, it shows in the
9 one we are looking at, was in January of 2017. This is the
10 document that existed on that date.

11 Q If it was updated, do you recall who was the food service
12 manager in 2017?

13 A She was then.

14 Q She would have been included in any updates?

15 A Absolutely.

16 Q Bert Henderson is a GEO staffer?

17 A Yes.

18 Q Showing you Exhibit 84.

19 A Okay.

20 Q Do you recognize this?

21 A I do.

22 MS. CHIEN: I would like to move to admit Exhibit 84.

23 MS. MELL: GEO has no objection, Your Honor.

24 THE COURT: 84 may be admitted.

25 (Exhibit 84 was admitted.)

1 Q Can you tell me what this is?

2 A This is the job description for -- detainee job
3 description for a detainee working in the dishwashing area of
4 the kitchen.

5 Q I am looking at the job title, "Dishwasher, pots and
6 pans"?

7 A Right.

8 Q Looking at this job description, are you reminded as to
9 what the training requirements were for this?

10 A I would have to read them.

11 Q Looking at the training requirements and reading it, do
12 you recall what the training requirements were?

13 A Yes.

14 Q It included hazardous communications training, safety
15 briefing, and learning about equipment and tools?

16 A Right. Bert, when I was there, personally took it on
17 herself with personal pride to train all detainee workers
18 coming into the food service department. So she would
19 conduct that training.

20 Q This job description also, again, includes their work
21 schedule; is that right?

22 A Insofar as it is broad, breakfast, lunch, and dinner,
23 right.

24 Q Do you recall the specific work duties of the dishwasher
25 job description, or the detainees assigned to dishwasher?

1 A Not without, of course, looking at it as you have brought
2 it up.

3 Q So it was -- do you recall whether or not emptying trash
4 cans in the dish area, stacking trays in the storage rack and
5 keeping work area thoroughly clean was part of the job
6 duties?

7 A That's how it reads, correct.

8 Q Was breaking down the dish machine, cleaning all pipes
9 after each meal also part of the job duties?

10 A Yes.

11 Q Was doing anything the food service supervisor may ask you
12 to do part of the job duties?

13 A Yes.

14 Q Did this job description, again, list the reasons why a
15 detainee worker could be terminated?

16 A I think they are probably identical to the other document,
17 but the answer is affirmative.

18 Q It includes failure to follow safety procedures, failure
19 to follow supervisors' instructions?

20 A Yes.

21 Q Again, who developed this job description?

22 A Originally, I would have developed that, I suppose.

23 Q Thank you. I am going to move to Exhibit 85 and ask if
24 you recognize Exhibit 85.

25 A Yes.

1 MS. CHIEN: I would like to move to admit Exhibit 85.

2 MS. MELL: GEO has no objection, Your Honor.

3 THE COURT: 85 may be admitted.

4 (Exhibit 85 was admitted.)

5 Q Can you tell me what this job description is for?

6 A Reads that it is the detainee job description for anybody
7 assigned to the laundry as a laundry worker.

8 Q It also includes their work shift; is that right?

9 A This specific one is for a day shift, it states.

10 Q Also identifies the job responsibilities of working in the
11 laundry facility, including loading and unloading washers and
12 dryers?

13 A Yes.

14 Q Again, listed six reasons they could be fired?

15 A Yes.

16 Q One of the special requirements is "detainee must be able
17 to lift 40 pounds"; is that right?

18 A That's how it reads. Correct.

19 Q Who was responsible for defining the scope of this
20 position for detainee workers?

21 A Would you please repeat that?

22 Q Who was responsible for defining the scope of work for
23 these laundry workers, these detainee workers?

24 A The officer assigned to the laundry.

25 Q Is that a GEO staffer?

1 A Yes.

2 Q I am going to show you Exhibit 88 and ask if you recognize
3 that job description?

4 A Yes.

5 MS. CHIEN: I would like to move to admit Exhibit 88.

6 MS. MELL: GEO has no objection, Your Honor.

7 THE COURT: 88 may be admitted.

8 (Exhibit 88 was admitted.)

9 Q Can you tell me what this job description is for?

10 A This is a detainee job description for a detainee working
11 as a barber.

12 Q It includes their work shift?

13 A Yes.

14 Q Did it include the job responsibilities for detainees,
15 including requiring to clean clippers after every haircut and
16 where to put combs and things like that?

17 A Yes.

18 Q Who created this job description and work duties that are
19 listed in this document?

20 A I would have drafted this initially and shared it with the
21 officer assigned to the oversight of barbershop.

22 Q The officer assigned to the oversight of the barbershop is
23 a GEO staffer?

24 A Yes.

25 Q I am going to show you Exhibit 89. I would like to ask if

1 you recognize it?

2 A Yes.

3 MS. CHIEN: Move to admit Exhibit 89.

4 MS. MELL: GEO has no objection.

5 THE COURT: It may be admitted.

6 (Exhibit 89 was admitted.)

7 Q Can you tell me what this is?

8 A States that it is the detainee job description for
9 detainee cleaning the barbershop, barbershop cleaner.

10 Q It also includes their work shift?

11 A Again, day shift.

12 Q Also includes their job descriptions as a barbershop
13 cleaner?

14 A Right.

15 Q It includes that floors will be swept with a wet towel,
16 sinks cleaned, chairs wiped down, no hair remains on the
17 floor?

18 A Right.

19 Q Who created the job description and work duties?

20 A Given the date, I did.

21 Q I am going to show you Exhibit 91 and ask if you recognize
22 Exhibit 91. Do you recognize it?

23 A I do.

24 MS. CHIEN: Can I move to admit Exhibit 91?

25 MS. MELL: GEO has no objection.

1 THE COURT: 91 may be admitted.

2 (Exhibit 91 was admitted.)

3 Q Can you tell me what this is?

4 A This is the overall job description for any detainee who
5 wants to volunteer to work in the housing unit. It addresses
6 numerous jobs.

7 Q For detainees that work in the housing unit, is it called
8 a pod porter job?

9 A Yes.

10 Q Sets out job responsibilities for several jobs within the
11 living unit; is that right?

12 A That is correct.

13 Q For example, we can take the top one, it includes the job
14 responsibility for shower cleaner?

15 A That is correct.

16 Q Does it include to scrub walls, floors and sides of shower
17 stalls?

18 A Yes.

19 Q Then looking down at the grave cleaner, they are
20 responsible for cleaning the staff bathroom and sweeping and
21 mopping horseshoes and octagon and hallway floors; is that
22 right?

23 A Correct.

24 Q "Staff bathroom" refers to GEO staff; is that right?

25 A Yes, it would be.

1 Q Not detainee worker bathrooms?

2 A Under this specific job, that is correct.

3 Q According to this job description, what time is the grave
4 cleaner scheduled to work?

5 A 11:30 p.m. to 1:30 a.m. or 2330 until 0130.

6 Q Who developed these job descriptions, this pod porter job
7 description?

8 A I believe I created this in conjunction with the
9 classification unit staff who were also detention officers,
10 corrections officers.

11 Q Are you talking about Ms. Singleton and Mr. Heye?

12 A Yes.

13 Q Those are GEO staffers; is that right?

14 A That is correct.

15 Q Through all these job descriptions, these are all part of
16 the detainee work program; is that right?

17 A That would be correct.

18 Q Are there jobs we haven't seen job descriptions for? For
19 example, the Grey Mile cleaner that you mentioned that I
20 haven't shown you a job description for?

21 A You have not shown me one for that per se. I was
22 wondering if it was incorporated into this one.

23 Q I don't have it for you.

24 A Okay.

25 Q I was going to ask you, what did detainee workers assigned

1 to the Grey Mile do?

2 A Sweep the Grey Mile and mop it, if need be.

3 Q Did they also buff and wax the Grey Mile?

4 A That would be a separate crew.

5 Q Separate crew of detainee workers?

6 A Right, typically.

7 Q A separate crew of detainee workers would buff and wax the
8 Grey Mile. What equipment was necessary to buff and wax the
9 Grey Mile?

10 A A bucket, mop, and a buffer.

11 Q Buffer, is that one of those equipments that you like --
12 it is machinery; is that right?

13 A It is an electric buffer. Anything that people typically
14 would see -- I guess first place I ever saw one was in a
15 hospital.

16 Q Typically what janitors would use; is that right?

17 A Correct.

18 Q Are there other jobs that Grey Mile workers -- other than
19 Gray Mile workers that I haven't shown you a job description
20 for?

21 A I don't believe so.

22 Q What about paint detail?

23 A Detainees don't paint.

24 Q Okay. Were detainee workers assigned to janitorial duties
25 outside of the pod in the Northwest Detention Center?

1 A Were detainees assigned to janitorial duties outside the
2 housing unit?

3 Q Yeah.

4 A Other than what we have talked about, no.

5 Q Other than what we have talked about, you mean -- detainee
6 workers have work -- done janitorial duties in the medical,
7 visitation, recreation, intake; is that right?

8 A Yeah. Not medical. They were there originally, but that
9 stopped. They would -- the cleaning details, floor details
10 would be the same group of people doing the visiting area,
11 any place where there is a floor that is within the
12 controlled environment, except medical.

13 Q Detainees would clean; is that right?

14 A Yeah, sweep up and attend to keeping the floor in the
15 intake unit, for example, looking good.

16 Q So now that we have identified the general jobs in the
17 work program, I would like to turn to how the job assignments
18 are identified and work schedules set. How were job
19 assignments determined to be necessary at the Northwest
20 Detention Center?

21 A Whether or not the job was necessary? That would fall
22 under the -- go back to the document. The voluntary work
23 program and the whole concept, again, is an ICE creation, and
24 we, under contract with ICE, were obligated to create a
25 policy and procedure tied to it that included much of their

1 wording, and so anything that existed, they drove.

2 Q Do you recall that you were deposed in this quite a long
3 time ago?

4 A In this case, yes, 2019, I believe.

5 Q When you were deposed, you were under oath to tell the
6 truth?

7 A Oh, sure.

8 Q I am going to ask you to turn to the other document that
9 is in your packet. It is the transcript from that
10 deposition.

11 A Okay.

12 Q I am asking you to turn to Page 57 of that deposition
13 transcript.

14 A Okay. I am looking for the numbers, page numbers, 57.

15 Q Yep. I am going to start reading at Line 21.

16 MS. MELL: Your Honor, I object to this methodology.

17 THE COURT: Well --

18 MS. CHIEN: Your Honor, I think you might have cut
19 out. We can't hear you.

20 THE COURT: I'm sorry. You can't just read it into
21 the record. You have to phrase the question in a different
22 way.

23 BY MS. CHIEN:

24 Q You were asked how is it that job assignments were
25 determined to be necessary for detainee workers at the

1 Northwest Detention Center; is that right?

2 A Yes.

3 Q Do you see what your answer was?

4 A I said, "Based upon an identified need by the housing unit
5 officer, shift supervisor."

6 Q Thank you. The housing unit officer and shift supervisor,
7 that's GEO staff; is that right?

8 A Yes.

9 Q GEO staff located at the Northwest Detention Center
10 determined how many detainee workers will be assigned to a
11 particular shift; is that right?

12 A I'm sorry, can I correct that statement?

13 Q No. Go ahead.

14 A My answer at that point in time was based upon an
15 identified need by the housing unit officer or shift
16 supervisor, and that certainly is one of the areas of input,
17 if you will. The generic areas that were addressed by -- for
18 detainees to work was driven by the ICE PBNDS and the
19 victim -- excuse me, the voluntary work program with input
20 from staff. That would be a more correct version of the
21 answer.

22 Q Okay. So your testimony today is that the ICE standards,
23 the PBNDS would tell you that detainees would need to be
24 assigned to the kitchen or the laundry; is that right?

25 A Yeah, yes.

1 Q I would like to show you Exhibit 17. I would like you to
2 take a look at Exhibit 17.

3 A I am here.

4 Q Do you recognize this document?

5 A Yes.

6 Q Can you tell me what it is?

7 A It appears to be the Performance-Based National Detention
8 Standard governing the voluntary work program.

9 Q So this --

10 MS. CHIEN: I would like to move to admit Exhibit 17.

11 MS. MELL: GEO has no objection.

12 THE COURT: It may be admitted.

13 (Exhibit 17 was admitted.)

14 Q I understand Exhibit 17 -- I actually don't know how many
15 pages Exhibit 17 is. This is the ICE standard for the
16 voluntary work program; is that right?

17 A Yes.

18 Q This is the ICE standard that you are saying that guided
19 the voluntary work program at the Northwest Detention Center;
20 is that right?

21 A Yes.

22 Q Where in this ICE standard does it direct GEO to create a
23 work assignment for cook, prep or server?

24 A Nothing in the PBNDS is a sole document. It is all
25 interconnected, if you will. So on Page 406 under

1 references, it includes 4.1, food service, so therefore you
2 have to go to the 4.1 food service standard to incorporate
3 specifically what you are asking.

4 Q Let me actually take a different one. It nowhere says in
5 this voluntary work program that GEO has to create a laundry
6 worker job, does it?

7 A It would be under 1.2. Environmental health and safety
8 would incorporate the laundry, I am fairly certain.

9 Q Your testimony is the ICE standard 1.2; is that right?

10 A 1.2, 4.1 and then for the housekeeping, Section C on
11 page -- on this page.

12 Q Okay. Thank you.

13 A Go ahead. I'm sorry.

14 Q The kitchen staff, for example, who determined what the
15 responsibilities of detainee workers would do in the kitchen?

16 A I would prefer you repeat the question.

17 Q I am going back. In the kitchen, who determined the job
18 responsibilities that detainee workers would do in the
19 kitchen?

20 A Specifically, I believe -- I don't recall exactly. I
21 would -- I don't recall exactly.

22 Q Would it be Bert Henderson?

23 A She would certainly have input to it.

24 Q How many shifts were there for detainee workers in the
25 kitchen?

1 A I believe we read three.

2 Q Plus a night cleaning shift; is that right?

3 A That would include the night shift, yes, cleaning shift.

4 Q Who determined how many detainee workers were needed in
5 the laundry?

6 A How many were needed in the laundry would probably be my
7 officer assigned to that area.

8 Q Is that GEO staff?

9 A Yes.

10 Q When you retired, how many shifts were there for detainee
11 workers in the laundry?

12 A I believe we had two.

13 Q How long were the laundry shifts?

14 A Now, I don't recall. I wouldn't want to say I knew.

15 Q Who determined how many detainee workers were needed for
16 the Grey Mile?

17 A Typically, the lieutenant to begin with, because we didn't
18 have sergeants, then when we had sergeants, the sergeant was
19 assigned to overlook -- oversee those details.

20 Q Is that GEO staff?

21 A Yes.

22 Q Who determined the schedules for detainee workers who
23 worked as pod porters?

24 A That was probably myself in conjunction with the
25 classification staff.

1 Q That's GEO staff?

2 A Yes.

3 Q Did you have to get ICE's blessing for any increased
4 detainee worker work assignments?

5 A Yes.

6 Q I am going to go back to your deposition transcript, where
7 you were sworn under oath, and ask you to turn to Page 35.

8 A I am going back to Page 35?

9 Q Yes.

10 A I am there. Do I put that up here again?

11 Q So I am going to ask you a question.

12 A Okay.

13 Q I think in your deposition I asked you, "Did you have to
14 receive ICE approval for any of the increases in the detainee
15 work assignments?" Do you see your answer?

16 A What number are you reading from?

17 Q Line 7. I asked, "Did you have to receive ICE approval
18 for any of these increases in the detainee work assignments?"

19 A I see my answer, yes.

20 Q What did you say?

21 A I said, "We met with ICE administration weekly, and this
22 would be a subject of discussion" -- I said presentation --
23 "it would not necessarily involve their blessing, but if they
24 objected they would say so."

25 Q I would like to show you Exhibit 132. I am going to ask

1 if you recognize this document?

2 A This is a department head -- has this one already been
3 acknowledged?

4 MS. CHIEN: I would like to move to admit Exhibit
5 132.

6 MS. MELL: GEO has no objection.

7 A It is the department head meeting minutes of the warden's
8 meeting on September 1st, 2015.

9 THE COURT: Excuse me. Exhibit 132 may be admitted.

10 (Exhibit 132 was admitted.)

11 THE WITNESS: I'm sorry, Your Honor.

12 THE COURT: That's all right.

13 BY MS. CHIEN:

14 Q Do you see that you attended this meeting?

15 A I do.

16 Q Do you see any ICE official in attendance at this meeting?

17 A Typically for this meeting, no.

18 Q I would like to draw your attention to No. 8. Do you
19 recall whether or not you talked about adding a detainee
20 worker to the Grey Mile during this meeting?

21 A That was brought up as a subject at the meeting with ICE,
22 and then the warden took it over into this meeting and so we
23 were going to have detainee workers.

24 Q You were allowed to add detainee workers, as many as
25 needed?

1 A Right.

2 MS. CHIEN: Your Honor, I don't know when you might
3 be wanting to do a break. This might be a good stopping
4 point.

5 THE COURT: It is about that time. We will take ten,
6 folks. You may be excused.

7 (Recessed.)

8 THE COURT: Bring the jury in. Let's go. I think
9 everybody is here. The witness is here. Okay, Ms. Chien,
10 you may continue.

11 BY MS. CHIEN:

12 Q Mr. McHatton, earlier I asked you what, within the PBNDS,
13 the ICE Standard 5.8, required GEO assign detainees to work
14 as cooks or preps or servers; is that right?

15 A That is correct. That is what you asked.

16 Q Then you referred to other ICE standards, ICE Standard 4.2
17 and 1.2; is that right?

18 A I believe those were the standards I identified. I would
19 have to look to verify.

20 Q Let me help with you that. I would like you to turn to
21 Exhibit 127, which is a stipulated exhibit. It is not in
22 your document. I am hoping you can access them. I am hoping
23 I can move to admit it and you can look at it online on the
24 computer once I have moved to admit it. You can sit still.

25 MS. CHIEN: I would like to move to admit Exhibit

1 127.

2 MS. MELL: GEO has no objection to the admission of
3 Exhibit 127.

4 THE COURT: All right. It may be admitted.

5 (Exhibit 127 was admitted.)

6 Q Are these the ICE standards that you were referring to
7 earlier?

8 A Those are the Performance-Based National Detention
9 Standards dated 2011.

10 Q I am going to turn to Page 228 of 4.1.

11 THE COURT: Again, what numbers are you referring to?
12 The page numbers?

13 MS. CHIEN: Bates number is GEO-Nwauzor 185044.

14 BY MS. CHIEN:

15 Q Do you see that?

16 A Not clearly -- okay. I see it better now.

17 Q Is this the ICE standard for food service?

18 A Yes.

19 Q Is that what you were referring to earlier when you said
20 that all of the ICE standards intermingle? 4.1 may
21 require detainee workers to work --

22 A 4.1, yes.

23 Q This is Page 228.

24 A Right.

25 Q I would like to scroll down and see if we can't go to Page

1 231 of this exhibit, which is Bates stamped 185047. Do you
2 see where it says "detainee workers"?

3 A Yes.

4 Q Can we cull that out, that section, so you can see it a
5 little better, just the detainee workers?

6 A Right.

7 Q Do you see where it says, "Detainees may volunteer for
8 work in accordance with 5.8"?

9 A Absolutely, I do see that.

10 Q Doesn't say "shall," does it?

11 A Oh, no.

12 Q Later on in the next paragraph -- sorry, same area. In
13 the next paragraph, it says, "The number of detainees
14 assigned to the food service department shall be based on a
15 quota developed by the FSA and approved by the facility
16 administrator." Do you see that?

17 A Yes.

18 Q Who was the facility administrator at the Northwest
19 Detention Center?

20 A Well, that is another one of those wonderful things, if
21 you will. In the ICE Performance-Based National Detention
22 Standards, the term "facility administrator," in all honesty,
23 applies to and refers to two people -- the GEO facility
24 administrator, or during my time of employment, the warden,
25 and the ICE facility administrator also known as the AFOA.

1 The FSA is a food service administrator.

2 Q Food service administrator is a GEO staffer?

3 A Is the FSA.

4 Q That's a GEO staffer?

5 A I'm sorry, yes, it is.

6 Q You said an AFOA, is that right? Is an ICE person an
7 AFOA?

8 A AFOA.

9 Q What does that stand for?

10 A Assistant facility office administrator.

11 Q Do you see AFOA in this paragraph?

12 A That's what I am saying. When you see the term "facility
13 administrator," it refers to the ICE facility administrator
14 as well as the GEO facility administrator.

15 I could tell you a long, boring story about how I took
16 deference to that whole thing back in 2004, but I will not do
17 that.

18 Q I appreciate that.

19 A But that is what it is.

20 Q One second. I would like to ask you to turn in this same
21 Exhibit, 127, to page -- GEO's Bates stamped 184835. It is
22 Page 19 and PBNDS Standard 1.2. Do you recognize this?

23 A Yes, I do.

24 Q Can you tell me what this is?

25 A It is the ICE Performance-Based National Detention

1 Standard governing environmental health and safety. It is
2 probably one of the longest standards, other than food
3 service, amongst the standard.

4 Q You testified earlier that the detainee work program's
5 laundry job duties were somehow required by this ICE
6 standard; is that right?

7 A I believe the concept of laundry is in this standard. I
8 believe that is the case. Would I swear to it 100 percent?
9 I don't know that I could do that. I thought it would -- it
10 did.

11 Q Let me give you a chance to look through the document and
12 you can tell me where it says if this requires a detainee to
13 work in the laundry.

14 A Does it require detainees to work in the laundry? I don't
15 believe those words are in there.

16 Q All right. Earlier you testified, we talked about ICE's
17 blessing and what was necessary to increase detainee workers;
18 is that right?

19 A Yes, we talked about that.

20 Q You recall in your deposition that you said it would not
21 necessarily involve their blessing. If they objected, they
22 would do so?

23 A I believe -- I think we read that from my 2019.

24 Q Uh-huh. Do you recall if ICE ever objected to an increase
25 in detainee work assignments?

1 A I do not recall. I do not recall that they did or did
2 not. I do not recall.

3 Q Okay. I would like to move on -- sorry, one second -- and
4 talk about the work program's training and supervision. How
5 are detainee workers participating in the work program
6 trained?

7 A Typically, by the GEO staff person in the area in which
8 they were working.

9 Q Once trained, who supervised detainee workers while they
10 worked in the work program?

11 A That same individual. GEO staff.

12 Q Is it part of the job responsibility of the GEO staff to
13 supervise detainee workers?

14 A Yes.

15 Q What training does GEO staff receive when they start their
16 job about supervision of detainee workers?

17 A There is an academy that all staff go through and the
18 voluntary work program is part of that curriculum.

19 Q So GEO staff were provided training on how to supervise
20 detainees in the work program?

21 A I would answer affirmative to that.

22 Q Supervising detainee workers is a part of GEO staff's
23 responsibility?

24 A Yes, as long as they have detainee workers in the area in
25 which they are supervising.

1 Q While we are talking about GEO staff, I would like to ask
2 you about post orders. Are you familiar with what a post
3 order is?

4 A I am.

5 Q I am going to show you Exhibit 141 or ask you to turn to
6 Exhibit 141 in your documents.

7 A Is that an acceptable document? Is this an accepted
8 document?

9 Q Are these documents kept in the regular course of business
10 at GEO?

11 A Yes, they are.

12 MS. CHIEN: I would like to move to admit Exhibit
13 141.

14 MS. MELL: GEO has no objection, Your Honor.

15 THE COURT: 141 may be admitted.

16 (Exhibit 141 was admitted.)

17 Q Can you tell me what this is?

18 A It is a post order. It is the post order for the laundry
19 officer.

20 Q What is a post order, as somebody who is not familiar with
21 some of the lingo?

22 A Every job that a corrections officer might -- would, not
23 might -- would be assigned to has a post order describing the
24 essential elements of that post. Post duties, as you can see
25 in this one, the laundry exchange schedule, because it is the

1 laundry officer's post order, inventory, key control
2 procedures, closing of shift. Each post order has that many
3 sections to it at least. That could be just Section 1. I
4 think there is six sections in total.

5 Q Let's turn to Page 2 of Exhibit 141. Is this what helped
6 you realize this is a laundry officer post order?

7 A Yeah. I turned the page because I was not sure of the
8 post order that I was looking at.

9 Q This sets out the job duties of the GEO staffer who is
10 assigned the laundry officer position; is that right?

11 A Right.

12 Q If you turn to the next page, Page 3 of the document.

13 A All right.

14 Q I'm sorry, it might be Page 4. Do you see it lists the
15 laundry officer's post duties?

16 A Yes.

17 Q Do you see the third post duty is to supervise and train a
18 detainee work crew on the operation of all machinery and
19 safety equipment assigned to the laundry area?

20 A Yes, I do.

21 Q Is one of the primary duties of a laundry officer to
22 supervise detainee workers in the work program that are
23 assigned to laundry?

24 A Yes.

25 Q Does the laundry officer also train the detainee workers

1 assigned to laundry as part of the work program?

2 A Yes.

3 Q Does the GEO officer also determine whether or not the
4 detainee worker is performing in accordance with their duties
5 when they are assigned to the laundry?

6 A Yes.

7 Q Let's turn to pod porters.

8 A I'm sorry?

9 Q Let's turn to the pod porter jobs.

10 A Okay.

11 Q How did GEO staff train detainee workers as pod porters?

12 A Would you like to go back to that document?

13 Q No, I am asking from your testimony, or from your memory,
14 recollection.

15 A Well, I would -- if I were to do it, I would use that
16 document.

17 Q Okay.

18 A That is the porter duties within the housing unit, and I
19 would go down each one of those and communicate the proper
20 expectations of that item.

21 Q Assuming that we go through that document -- maybe I will
22 rephrase my question so it is more precise. Who
23 determines -- who is overseeing or supervising the work that
24 detainee workers are doing as pod porters?

25 A The housing unit officer.

1 Q That's GEO staff?

2 A Yes.

3 Q Let me go back. I apologize. I am going to go back and
4 ask you to clarify something. We were talking about facility
5 administrators; is that right?

6 A Yes.

7 Q We identified in the food service ICE standard that the
8 facility administrator determines how many detainee workers
9 work in the kitchen; is that right?

10 A Not solely, but the facility administrator was identified
11 as one of the persons involved in that.

12 Q The other person was the food service administrator; is
13 that right?

14 A Food service administrator.

15 Q Then we had a discussion as to what "facility
16 administrator" meant; is that right?

17 A That is correct.

18 Q I am going to actually have you turn back to Exhibit 127.
19 I am going to show you on the screen, I am going to ask for
20 us to turn to what is Bates stamped 185256. It is Page 464.
21 No, I want to start at 464. I am going to show you what this
22 PBNDS section is. Give me one minute. It is the PBNDS ICE
23 Standard 7.5. I am going to show you this ICE standard. Do
24 you see the section that says "definitions"?

25 A Yes, I do.

1 Q This is the definition section of the ICE standards; is
2 that right?

3 A Appears to be.

4 Q We had some confusion as to what "facility administrator"
5 meant; is that right?

6 A There is no confusion in my mind.

7 Q Let's go to the definition section and go to Bates stamp
8 185259, it is page 467 of this document. Do you see the
9 facility administrator? It says, "Generic term for the chief
10 executive officer of a detention center." On the next page,
11 "A formal title may vary -- warden, officer in charge,
12 sheriff, jail administrator." Do you see that?

13 A I do.

14 Q This definition doesn't say "ICE" in it, does it?

15 A No, it does not.

16 Q I would like to turn a little bit -- we talked about
17 supervision. I would like to talk about discipline. What
18 happens if a detainee worker doesn't follow the training
19 protocols or guidelines set out for certain positions in the
20 work program?

21 A I believe that is addressed in the standard itself and
22 that is reiterated in the job descriptions that we talked
23 about previously. I think there were five or six reasons
24 that a detainee could be removed from a job.

25 Q How are detainee workers removed from the job?

1 A Predominantly because they decided they don't want to do
2 it anymore. That was the primary reason. Very few are
3 removed for violating a safety rule or anything like that.

4 Q Okay. Detainee workers were disciplined for issues that
5 arose in the work program; is that right?

6 A You used the word "disciplined."

7 Q Yes.

8 A I would not use that word.

9 Q You would not use that word. Okay. Let me show you
10 Exhibit 137 and ask if you recognize it. It should be in
11 your packet.

12 A Okay.

13 Q Do you recognize this document?

14 A Yes, this is a GEO Northwest Detention Center Policy
15 No. 3.3.1, entitled "infractions and disciplinary sanctions."

16 MS. CHIEN: I would like to move to admit Exhibit
17 137.

18 MS. MELL: GEO has no objection.

19 THE COURT: 137 may be admitted.

20 (Exhibit 137 was admitted.)

21 Q You see this is a policy regarding detainee rules and
22 discipline?

23 A Yes.

24 Q It is about infractions and disciplinary sanctions; is
25 that right?

1 A Yes.

2 Q This is GEO's policy regarding discipline in the facility;
3 is that right?

4 A Yes, this is GEO's policy that mimics the ICE detention
5 standard on that same subject.

6 Q I would like to turn to Page 8. Do you see where it says
7 "Category 4 offenses"?

8 A I do.

9 Q What are Category 4 offenses?

10 A The lowest level of infraction.

11 Q Misconduct that a detainee might do?

12 A Yes.

13 Q I am going to ask to pull up Page 9, "sanction options for
14 Category 4 offenses."

15 A Yes.

16 Q Are these the sanction options if the detainee worker
17 commits a category 4 offense?

18 A These are taken 400 through 409. The sanctions are taken
19 directly out of the ICE PBNDS, yes.

20 Q The sanctions shown on Page 8 -- the Category 4 offenses,
21 examples are on Page 8, is that right, and the sanction
22 options for those offenses are on Page 9; is that right?

23 A That is correct.

24 Q Category offenses include things like using equipment or
25 machinery contrary to posted safety standards?

1 A That would be 412 infraction, according to the list.

2 Q The sanction options for Category 4 offenses, do you see
3 where it says "loss of job"?

4 A Yes.

5 Q Is that referring to a loss of job in the detainee work
6 program?

7 A That would be loss of job in the detainee work program.

8 Q Could a detainee worker lose their job for stealing?

9 A Yes.

10 Q We have talked a lot about the voluntary work program. I
11 would like to take a step back. GEO is a business; is that
12 right?

13 A Yes.

14 Q In Washington, who is GEO's customer?

15 A GEO's customer in the State of Washington is the Northwest
16 Detention Center.

17 Q That's the facility. The facility is the Northwest
18 Detention Center; is that right?

19 A Yes.

20 Q Who does GEO sell its services to?

21 A Immigration Custom Enforcement, the federal government.

22 Q Is there a contract between GEO and ICE for the provision
23 of these services?

24 A Yes, there is a contract.

25 Q I am going to show you Exhibit 129. Do you recognize this

1 document?

2 A Yes.

3 MS. CHIEN: I would like to move to admit Exhibit
4 129.

5 MS. MELL: GEO has no objection.

6 THE COURT: 129 may be admitted.

7 (Exhibit 129 was admitted.)

8 Q Can you tell me what this is?

9 A This is a contract by ICE with the GEO Group.

10 Q Can you refer to Page 58, which is on the bottom or it is
11 Bates stamped GEO-State 36882.

12 A I am going to Page 58 at the bottom of the page.

13 Q Yes, and it is also Bates stamped at the bottom GEO-State
14 36882. I will ask if I could get the page before it.

15 A You are telling me to look at Page 57 and 58?

16 Q Yes.

17 A Okay. I am there.

18 Q Under "Detention Site Standards," do you see where it
19 says, "The contractor shall ensure facilities are clean and
20 vermin/pest free"?

21 A Yes.

22 THE COURT: Where are you looking at now, counsel?

23 MS. CHIEN: Bottom of Page 57, "Detention Site
24 Standards."

25 BY MS. CHIEN:

1 Q It says, "The contractor shall ensure facility's
2 conformance to the following: That it be clean and vermin
3 and pest free. Do you see that? Looking at Page 58, it
4 continues, "The contractor shall provide and distribute
5 linens." Do you see that?

6 MS. MELL: Counsel -- Your Honor, excuse me,
7 objection. Counsel is testifying and reading the document
8 into the record.

9 THE COURT: It should go by question here, counsel.
10 BY MS. CHIEN:

11 Q I have a question about what we just read. What role did
12 detainees in the work program play in allowing GEO to meet
13 the contractual obligation that the contractor provide
14 suitable linens?

15 A You are referring to Page 58, Item C, "The contractor
16 shall provide and distribute suitable linens, sheets,
17 pillowcases, towels, et cetera," period. "Contractor shall
18 launder and change linens per ICE PBNDS." Your question is?

19 Q What role do detainees in the work program play in
20 allowing GEO to meet this contractual obligation?

21 A By way of the voluntary work program, they may participate
22 in the laundering of these sheets, pillowcases, towels, et
23 cetera.

24 Q When we were referring to Page 57 and that the facility be
25 clean and vermin and pest free, what role did detainees in

1 the work program play in allowing GEO to meet this
2 contractual obligation?

3 A That is a broader subject. Clean and vermin pest free
4 refers back to the ICE PBNDS, what was it, 1.2, environmental
5 health and safety. Other areas of the contract required that
6 we have a vermin and pest control contract with an outside
7 agency in so -- so that, kind of like, would be separate.
8 The "clean" is the detainees may participate in the cleaning
9 of the controlled general area of the facility as part of the
10 voluntary work program.

11 Q You mentioned PBNDS ICE Standard 1.2 again. Just to be
12 clear, PBNDS ICE Standard 1.2 is GEO's responsibility and the
13 standards that it must hold to clean the facility, right?

14 A Driven by ICE, yes.

15 Q It dictates what GEO's obligations are to provide a clean
16 facility; is that right?

17 A Right.

18 Q You testified earlier you couldn't recall anything in 1.2
19 that indicates the detainee workers were responsible for
20 cleaning the facility; is that right?

21 MS. MELL: Objection, Your Honor, misstates the
22 testimony.

23 THE COURT: Rephrase the question, counsel.

24 BY MS. CHIEN:

25 Q Earlier you testified regarding the ICE Standard 1.2 and

1 you couldn't recall where in 1.2 the detainee workers were
2 assigned to meet those obligations that are contained in 1.2;
3 is that right?

4 A I didn't go completely through 1.2 to find it. Using
5 those specific words, I don't recall. I think that is what I
6 said.

7 Q Let's go back to the laundry. Did GEO need more detainee
8 workers in the laundry to meet its contractual obligations?

9 A The answer would be yes. When the population increased,
10 we had more opportunity for the detainees to work in the
11 laundry.

12 Q You refer to it as opportunities. I would like to show
13 you Exhibit 146 and ask if you recognize it.

14 A Are you asking me to turn to 146?

15 Q Yes, please.

16 A Okay.

17 Q Do you recognize this?

18 A Yes.

19 Q What is it?

20 A It is a laundry plan of action, that is what POA stands
21 for, from the compliance person, Heather West, dated August
22 24th, 2011, through May 2, the individual who is the acting
23 AFOA for ICE, Michael Ruckshuhl.

24 Q You received this plan of action; is that right?

25 A Yes.

1 MS. CHIEN: I would like to move to admit Exhibit
2 146.

3 MS. MELL: I am not sure -- GEO objects to the
4 admission of this document. He is here to testify as to what
5 occurred during that time frame.

6 THE COURT: I'm sorry. I am having a hard time
7 hearing you.

8 MS. MELL: GEO objects. GEO objects to this
9 memorandum as irrelevant and duplicative of his testimony.
10 Mr. McHatton can testify to what occurred during that time
11 frame.

12 MS. CHIEN: Your Honor, Mr. McHatton has testified
13 that more detainee workers were assigned to laundry and
14 considered it quote/unquote an opportunity. This exhibit is
15 meant to further elucidate -- impeach him on whether or not
16 it was an opportunity.

17 THE COURT: I think it may be admitted.

18 (Exhibit 146 was admitted.)

19 Q This is the laundry plan of action; is that right? It
20 said your name as the acting warden; is that right?

21 A Yes.

22 Q It has the AFOA name that you were referring to earlier;
23 is that right?

24 A Yes.

25 Q Then this first paragraph, do you see where it says,

1 "There are other issues with other" -- sorry. "There are a
2 number of detainees that have badly worn and/or
3 improperly-sized shoes, in particular. There are other
4 issues that other clothing items were not being properly
5 sized as well."

6 A I read that.

7 Q Then below this line -- sorry. It says -- do you see
8 where it says, "A review of the laundry activities
9 documentation indicates that not all exchanges for clean
10 laundry is being completed according to the posted schedule"?

11 A I do read that.

12 Q Do you see where it says, "It appears the staffing level
13 of one person is insufficient." You can also look at your
14 screen. It might be helpful.

15 MS. MELL: I am going to make a standing objection to
16 reading the document in the record now that the jury has the
17 benefit of reading the document themselves. This is not a Q
18 and A.

19 THE COURT: Let's have questions.

20 BY MS. CHIEN:

21 Q What was the plan of action based on this issue, in
22 reviewing the document? Do you recall what the plan of
23 action was?

24 A No, not without going back through it.

25 Q Let's go back to the bottom of the document. Does this

1 include the plan of action?

2 A It is only one page, so it should be complete.

3 Q Do you recall what the plan of action was, given that the
4 laundry wasn't being distributed on schedule?

5 A I am reading this and it says that additional staff were
6 assigned and additional detainee workers have been assigned.

7 Q What is that --

8 A Two overlapping shifts.

9 Q Additional detainee workers were assigned to help support
10 laundry operations; is that right?

11 A Uh-huh.

12 Q Is it your understanding that the laundry still operates
13 with two shifts when you left, when you retired?

14 A Your question is, was the laundry operating with two
15 shifts when I retired? Is that a correct -- is that what you
16 asked? I don't recall.

17 Q Okay. If you look back at the plan of action and at the
18 call-out currently, it says, "Detainee work schedules have
19 been modified and expanded to create two overlapping shifts."
20 Does that refresh your recollection as to whether or not
21 there were two shifts?

22 A This is dated 2011. You asked if I knew what was going on
23 when I retired, and I don't recall.

24 Q You do recall there was two laundry shifts?

25 A I believe I testified that at some point in time there

1 were two shifts, yes.

2 Q So if there were no detainee workers in the laundry, how
3 would you meet the requirement of providing bed linens as
4 required by the contract?

5 A They assign officers.

6 Q With those -- you are talking about officers, GEO staff;
7 is that right?

8 A That is correct.

9 Q Would those GEO staff be paid a dollar per day for their
10 labor?

11 A No, they would not because they would be GEO staff.

12 Q So let's talk about the dollar per day, the VW pay. How
13 much did GEO pay the detainee workers in the work program?

14 A A dollar per day.

15 Q How did GEO ensure -- I will take that back.

16 Does ICE have a standard regarding detainee worker
17 wages?

18 A It is part of the voluntary work program standard.

19 Q So it is in that exhibit ICE Standards 5.8, Exhibit 17?

20 A I believe so.

21 Q Do you remember what it says regarding compensation?

22 A Exactly what it says? No, I don't. I would have to go
23 back to it to read it to be exact.

24 Q Let's go back to it. Let's look at Exhibit 17. This is
25 Exhibit 17. It is the ICE standard regarding the voluntary

1 work program.

2 A Yes.

3 Q Do you see where it refers to detainee compensation?

4 A That would be on Page 407, letter K, compensation.

5 Q So what do you recall -- do you recall now what it exactly
6 says about detainee compensation?

7 A It states, "The compensation is at least one dollar (USD)
8 per day. The facility shall have an established system that
9 ensures the detainee receives the pay owed them before being
10 transferred or released."

11 Q It said the compensation is at least a dollar per day.
12 During your tenure, did you ever consider paying detainee
13 workers more than a dollar per day?

14 A During my tenure, I recall seeking permission to pay them
15 a dollar for each assignment, if you will. If a detainee was
16 working as a barber and then later in the day wanted to be a
17 housing porter also, he would get another dollar for that
18 job.

19 Q You were aware of opportunity -- you are aware that
20 detainee workers could be paid more than a dollar per day if
21 they worked two different jobs, for example; is that right?

22 A They were limited to a dollar per day. We tried to get
23 them more than -- interpreting it as seeking approval for a
24 dollar per assignment, per job.

25 Q So you were seeking approval to pay more than a dollar per

1 day if they worked two jobs; is that right?

2 A Yes.

3 Q Were you ever told by the classification officer that you
4 could pay more than a dollar per day, GEO could pay more than
5 a dollar per day?

6 A I recall a memo from the classification staff saying
7 that -- every time that a standard came out, I would pass it
8 on to the respective department heads for their review so
9 they were knowledgeable and up-to-date of any changes. I do
10 recall a memo that says, "Hey, maybe we can pay them more
11 than a dollar a day."

12 Q Showing you Exhibit 14, which has already been admitted.
13 Is this the memo you are referring to?

14 A Yes.

15 Q Ms. Singleton, or the classification department, sent you
16 this memo?

17 A Singleton and Heye co-signed, yes.

18 Q This is about updates to the ICE standards; is that right?

19 A Yes.

20 Q They told you the compensation is now at least a dollar,
21 however, it doesn't say we have the option to pay more if we
22 like?

23 A That's what it reads.

24 Q Did ICE ever tell you that GEO could compensate detainee
25 workers more than a dollar a day?

1 A No, they never authorized that.

2 Q I am going to show you Exhibit 364. I am going to -- you
3 recognize this?

4 A Is that part of this book, too?

5 Q It is. Do you recognize this as an email you forwarded?

6 A 324?

7 Q Sorry. 364. Do you recognize this?

8 A Boy, do I recognize it?

9 Q Do you see your email listed?

10 A Yeah, I do. I don't necessarily recall it without --
11 well, I put a statement on it. Looks like -- my name is on
12 it, but I don't remember it. How is that?

13 MS. CHIEN: I would like to move to admit Exhibit
14 364.

15 MS. MELL: GEO has no objection, Your Honor.

16 THE COURT: It may be admitted.

17 (Exhibit 364 was admitted.)

18 BY MS. CHIEN:

19 Q At the top, do you see your email?

20 A Yes.

21 Q Looks like you are forwarding a message; is that right?

22 A That's what it appears to me to be, yes.

23 Q It looks like a representative from ICE is emailing you
24 and Mr. -- is that right?

25 A Charles Howard is an ICE employee. He memoed several

1 people to include me. Is there a subject? Yes, the
2 voluntary work program on August 27, 2014.

3 Q It says, "According to the standard, there is a minimum
4 compensation of a dollar, however there is no maximum." Do
5 you see that?

6 A I do.

7 Q You had mentioned one time when GEO chose to pay detainee
8 workers more than a dollar per day, for example, if they did
9 two assignments; is that right?

10 A Yes. I believe, if I heard you correctly, the answer to
11 that is affirmative.

12 Q In addition to the dollar per day, did detainee workers
13 also get food for their work?

14 A Sometimes they got a candy bar or a sack lunch, if memory
15 serves me correctly.

16 Q I am hearing testimony that GEO in the past has paid
17 detainee workers at times two dollars if they worked two
18 shifts or -- and food. Did GEO ever pay detainee workers
19 more than a dollar per day as the rule, as the general rule
20 as opposed to the exception?

21 A Would you repeat that question, please?

22 Q Did GEO ever change the pay that detainee workers were
23 paid from a dollar per day? Did they ever pay more than a
24 dollar per day as the general rule?

25 A No, the general rule was a dollar per day.

1 Q After you received the memo from the classification
2 department, GEO still did not pay more than a dollar per day;
3 is that right?

4 A That is correct.

5 Q Even after ICE told you via email that there is no maximum
6 pay rate, GEO still did not pay detainee workers more than a
7 dollar per day; is that right?

8 A If you go back to that memo of yours that Charles Howard
9 created, the memo is to James Gronewold. He was the
10 contracting officer's representative at the facility. In
11 other words, he was the guru of the contract. If you wanted
12 to do anything -- if you wanted to question any element of
13 the contract or the PBNDS, James was the first contact within
14 the facility, and then he would take it to -- I can't
15 remember exactly the person's name in California. They never
16 allowed it.

17 Q Let's look at Exhibit 364 one more time.

18 A Yeah.

19 Q So we looked at it and it says, "According to" -- the ICE
20 person says, "According to the standard, there is a minimum
21 compensation of a dollar, however there is no maximum." Do
22 you see that?

23 A Yes.

24 Q Simple question for you. It says, "To James Gronewold"?

25 A That is correct.

1 Q James Gronewold was on this email?

2 A Yes.

3 Q We can take that down.

4 After you received this email, did GEO still pay
5 detainee workers a dollar per day?

6 A Yes.

7 Q Now when you retired, do you recall what the minimum wage
8 was in Washington?

9 A Gosh, no.

10 Q Was it more than a dollar per day?

11 A I am sure it was. My minimum wage when I started working
12 in '68 was a buck and a quarter an hour.

13 Q Did GEO ever pay detainee workers who worked in the
14 kitchen prepping thousands of meals a day the minimum wage?

15 A They were not employees, so the answer is no.

16 Q Did GEO ever pay detainee workers who washed the dishes
17 the minimum wage?

18 A That is correct, they did not earn minimum wage.

19 Q Did GEO ever pay detainee workers who worked in the
20 laundry the minimum wage?

21 A GEO never paid minimum wage to detainee workers,
22 regardless of where they volunteered.

23 MS. CHIEN: Thank you. No further questions.

24 THE COURT: Mr. Whitehead, do you have anything?

25 MR. WHITEHEAD: No, Your Honor.

1 THE COURT: All right. Ms. Mell.

2 MS. MELL: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. MELL:

5 Q All right, Mr. McHatton, I am going to try to organize the
6 pile of documents we have been through here and get started.

7 If I can have a moment to go back through it. Let's start
8 with Exhibit 129. Do you have the GEO-ICE contract?

9 A Yes.

10 Q Did you write any part of this ICE contract?

11 A I'm sorry, I did not hear.

12 Q Did you write any part of the ICE contract?

13 A No, I did not.

14 Q Did this ICE contract control any of the materials you
15 prepared when working at GEO?

16 A I am sure it did. Without looking at it, I am sure it
17 did.

18 Q Can you look at Page 82 of that document?

19 A I am on Page 82.

20 Q All right. Page 82 has section number, what is that, 9?

21 A 9 is managing a detainee work program.

22 Q Do you think you ever derived authority from the documents
23 you prepared by looking at this section of the contract?

24 A Yes.

25 Q Did this section of the contract give you guidance on the

1 kinds of activities that you chose to select to create job
2 descriptions for in the voluntary work program?

3 A Yes.

4 Q When you look at this document -- can we publish this
5 again, Page 82. Is the jury able to see this document?

6 So the first paragraph sets out some pretty specific
7 requirements, the first of which it must be voluntary.

8 That's a standard contained in the contract itself, correct?

9 A That is correct.

10 Q So nothing about the work that was created could be an
11 obligation of any detainee. They had to volunteer?

12 A It was totally voluntary.

13 Q It gives a description of the kinds of work or program
14 assignments. That's your suggestion of what to do, correct?

15 A Correct.

16 Q That included industrial, correct?

17 A Yes.

18 Q And industrial meant what to you? Were any of those job
19 descriptions that we went through related to industrial type
20 work?

21 A One could imply that laundry might be industrial.

22 Q In fact, that picture made it look really industrial,
23 right?

24 MS. CHIEN: Objection.

25 THE COURT: Sustained.

1 BY MS. MELL:

2 Q So what is your takeaway from the photograph describing
3 the laundry? Was that industrial equipment?

4 A Yes, it was.

5 Q One of the reasons that the detention center put
6 industrial equipment into the facility was to achieve
7 industrial work --

8 MS. CHIEN: Objection.

9 BY MS. MELL:

10 Q -- for the laundry, right?

11 THE COURT: What is your objection?

12 MS. CHIEN: She's testifying. Assumes facts not in
13 evidence.

14 THE COURT: Well, let's go by question and answer
15 here. What is the next question?

16 BY MS. MELL:

17 Q Did GEO have industrial equipment in what was designated a
18 laundry room at the Northwest Detention Center?

19 A Yes.

20 Q Is that because GEO did not contract out industrial work
21 like laundry, correct?

22 A That is correct.

23 Q GEO could have contacted one of the industrial laundry
24 cleaners in town to pick up and drop off laundry every day,
25 correct?

1 A It certainly could.

2 Q But it didn't do that, right?

3 A That is correct. It chose not to.

4 Q One of the reasons it chose not to was because the
5 detainees had to have work to do, correct?

6 MS. CHIEN: Objection. Assumes facts not in
7 evidence.

8 THE COURT: Well --

9 MS. CHIEN: He hasn't testified to that.

10 THE COURT: The question here really is, whose
11 witness is Mr. McHatton?

12 MS. MELL: Your Honor, I am on cross. This is cross.

13 MS. CHIEN: Mr. McHatton is represented by Ms. Mell.

14 MS. MELL: This isn't direct.

15 THE COURT: Is that correct, Ms. Mell?

16 MS. MELL: Mr. McHatton has asked that I represent
17 him with regard to his testimony in these proceedings.

18 THE COURT: All right. Stop leading the witness.

19 MS. MELL: All right.

20 BY MS. MELL:

21 Q So I can ask that as a non-leading question. What purpose
22 did having industrial laundry service equipment serve at the
23 Northwest Detention Center?

24 A It enabled us to keep the laundry activity in-house.

25 Q Keeping the laundry activity in-house meant what for the

1 voluntary work program?

2 A It meant that we had at least one area where we could have
3 detainees work to launder bed linens, clothing, et cetera.

4 Q Preparing the laundry required time. Did preparing and
5 doing laundry take time?

6 A Yes, it did.

7 Q It was time that detainees could then be outside their
8 housing unit. They didn't have to be in their housing unit?

9 MS. CHIEN: Objection.

10 THE COURT: Sustained. Leading.

11 BY MS. MELL:

12 Q What benefit was there to having time in the laundry
13 facility versus the housing unit?

14 A The purposes of the voluntary work program were identified
15 previously. One of the primary reasons for the security and
16 control and safety of the facility is to have activity for
17 detainees to participate in that would allow them to do
18 something other than just sit on it -- sit in the housing
19 unit. It gave them activity to get out of the business, the
20 politics, the hassle of dorm living.

21 Q How much time could a detainee be outside their housing
22 unit in any given day if they signed up to do the laundry?

23 A For the laundry, I think that the detainee could be out of
24 his housing unit for probably up to six hours.

25 Q So if they could be out of their housing unit for six

1 hours, what controls were there between the laundry facility
2 and the housing unit? Maybe I am not asking that correctly.
3 Let me try that one again.

4 If a detainee were outside the housing unit on laundry
5 detail, where in the facility could you find that detainee at
6 any given time?

7 A If the detainee assigned to the voluntary work program in
8 the laundry was not in the housing unit, he would be in the
9 laundry.

10 Q So would -- were there -- when a person -- strike that.
11 Sorry. Just a minute. Let me collect my thoughts here.

12 A detainee assigned to laundry duty moved from the
13 location depicted in the photograph with industrial-nature
14 equipment to other locations or not?

15 A Predominantly, they were in the laundry. They could also
16 assist the laundry officer in distributing articles of
17 clothing, after they had been washed, to housing units.

18 Q So what --

19 A It would not take the entire -- another officer would come
20 in and supervise the detainees who remained in the laundry
21 area performing the washing, drying activity while one of
22 the -- an additional officer would take the clean laundry out
23 to a housing unit to distribute it. So they would either be
24 in the laundry or be in the hallway or in a housing unit with
25 the supervising officer.

1 Q How did the laundry move from housing unit to housing
2 unit?

3 A By way of a cart.

4 Q That was not -- strike that.

5 Who moved the cart around to the different housing
6 units?

7 A The laundry officer and detainees.

8 Q So there would be detainees who worked with the laundry
9 officer to go housing unit to housing unit?

10 A That is correct.

11 Q Back to the contract terms. When it says "maintenance,"
12 what does that mean, at Page 82, in terms of the kinds of
13 things you can come up with for the VWP?

14 A They did not work, "they" meaning detainees, did not work
15 in any capacity in the physical plant maintenance for the
16 physical maintenance department. Maintenance in that context
17 is janitorial, in my opinion.

18 Q Can you think of anything that you created as a job that
19 fit within maintenance requirements?

20 A Other than what I said about janitorial, the answer is no.

21 Q I am going to step back a moment and pull up Exhibit 233.
22 Can we pull up Exhibit 233?

23 A 233.

24 Q Do you have that?

25 A I do not. I go from 226 to 244.

1 MS. MELL: I would offer 233. To cut to the chase
2 here, we can publish it for the jury if there is no
3 objection.

4 MS. CHIEN: No objection.

5 THE COURT: 233 may be admitted.

6 (Exhibit 233 was admitted.)

7 BY MS. MELL:

8 Q I want to make sure we talked about the bins and give the
9 jurors some idea what we are talking about. Does Exhibit 233
10 provide us any information about how the laundry got to the
11 housing units?

12 A I would say that it does show the carts that I was
13 referring to as the laundry carts that would go to and from
14 the housing unit or food service, wherever in the facility,
15 to the laundry and then back out again once laundered.

16 Q What are all those bags in there?

17 A I don't believe those are bags. I believe those are
18 blankets.

19 Q Oh, that's the laundry, the clean laundry?

20 A Yes.

21 Q Those are set up to go back to the housing units?

22 A Yes.

23 Q Okay.

24 MS. MELL: We can take that down.
25

1 BY MS. MELL:

2 Q Back where I was on the maintenance. When you are looking
3 at the contract, you see the word "maintenance" and then
4 "custodial." Can we show that again?

5 A Industrial, maintenance, custodial service, or other jobs.

6 Q What was -- what activities did you create to meet the
7 custodial needs that would have been different than
8 maintenance?

9 A That would be the pod porter assignments, the hallway
10 details.

11 Q When we looked at the hallway detail, there was reference
12 to cleaning staff bathrooms. What did that mean?

13 A Do you want to go back to the item that shows the
14 facility?

15 Q That would be helpful, Exhibit 131. Can we do that? Can
16 you publish 131, Page 7 for the jury?

17 A I have mine up. There you go. So now if I run my hand, I
18 don't know how -- I am going to do my best to communicate
19 this for everyone's benefit. Let's pick on the A Unit, all
20 right? And there is a hallway outside of the A Unit, then
21 there is a hallway that goes into the A Unit. Does everybody
22 see that? There is an area we call the horseshoe that
23 permits entrance into A-1, A-2 and A-3.

24 Q Are you talking about right there?

25 A Right there. Go down. Go down the horseshoe, now

1 straight. There you go. You see that area that looks like
2 an upside down U?

3 Q Right there?

4 A Right here. Too much area. Just this little horseshoe
5 around a box. There you got it. That's the entranceway to
6 A-1, A-2 and A-3 off that is what we call the horseshoe.

7 Now, backing up to where you started, see there is a
8 little line there just right there? Okay. Now what that is
9 communicating is that there are staff bathrooms off that main
10 hallway. Staff assigned to that housing unit, when you gotta
11 go, you gotta go, you can't get relieved and an officer would
12 come down and take the -- relieve the officer in A-1 and
13 permit that officer to go back out that hallway to that area
14 where your pen is at -- highlighter is at -- and use the
15 restroom.

16 Q What were the restrooms like in terms of size there by
17 comparison to what was in the unit?

18 A Those are just a sink and commode --

19 Q Okay.

20 A -- for emergency use.

21 Q That prevents the detention officer from having to drop
22 his drawers, for lack of a better term, and go within the
23 unit himself and take his eyes off security?

24 A The officers were not permitted to use the detainee
25 facilities.

1 Q Why is that?

2 A Safety of the officer, predominantly.

3 Q So was there a different location where detention officers
4 would shower, prepare for work, use the facilities that were
5 not single, on-duty toilet facilities?

6 A That would be outside the controlled environment of the
7 facility, not part of this picture, that I can tell.

8 Q Is it down here next to the lobby? This is the employee
9 entrance, is it not?

10 A It would be on the -- using this model here, yeah, it
11 would be on this side of the laundry. See the laundry here?
12 It would be that area here.

13 Q Okay. Are we talking right here?

14 A Yeah, and up.

15 Q Right there?

16 A And over.

17 Q Here?

18 A Nope.

19 Q This way?

20 A Left, yeah.

21 Q That way?

22 A That would be the male and female staff --

23 Q Locker room?

24 A -- locker room. Thank you.

25 Q Locker room. So right below that location, right along

1 here?

2 A Say it again, please.

3 Q Can you look at what I have just highlighted, right here?

4 A That's too much area, that would be E, I, O, R, or the
5 court staff.

6 Q So that part right there, none of that part is secure?

7 A That whole area there is not part of the controlled
8 environment; that is correct.

9 Q When you say the --

10 THE COURT: Okay. Excuse me, Ms. Mell. It is
11 quitting time. We will reconvene tomorrow at 9:00 in the
12 morning. Please let me remind you to check in early. I
13 think Tyler has requested you do that. We can't start
14 without you, and you can't start without me. So we will all
15 try to be on time in the morning. We will see you tomorrow
16 morning at 9:00 and we will continue.

17

18 (The proceedings adjourned.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

/s/ Angela Nicolavo

ANGELA NICOLAVO
COURT REPORTER